		Rs.
Demand No.	XXV—Jails	1,11,300
Do.	XXVI—State Charities	10,000
Do.	XXVII—Stationery and Printing	3,40,800
Do.	XXIX—Scientific and Miscellaneous Departments excluding Census	1,03,900
Do.	XXX—Miscellaneous Charges	1,60,900
Do.	XXXI—Anchal Department	4,00,750
Do.	XXXII—Capital Expenditure not charged to Revenue—Railways	22,900
Do.	XXXIII—Loans-Agricultural loans	50,000
Do.	XXXIV—Loans-Industrial loans	10,000
Do.	XXXV—Loans-Other loans and Advances	5,97,200
Do.	XXXVI—Debt Heads-Advances	48,700
Do.	XXXVII—Debt Head-Coinage Account	4,00,000

President: The House will now adjourn and meet again at 2 P. M.

The House adjourned for lunch at 1-2 P. M. and re-assembled at 2 P. M. with the President in the Chair.

New Member.

Mr. S. K. Pillai took the oath and signed the Rolls.

LEGISLATIVE BUSINESS—(*contd.*)

THE TRAVANCORE DEBT RELIEF BILL—(*contd.*)

Mr. N. Krishna Aiyar: Sir, I move the following amendment :—

In Clause 9, sub-clause (2) (*a*) alter "seventy-five" as "eighty-five" and alter "six years" as "two years."

Sir, it is not with a view to bargain that I move this amendment. It is only with the view that the creditor may get the principal amount at least in certain cases.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, I oppose it. I expressed sufficiently clearly the day before yesterday as to why these figures could not be interfered with. Mr. Krishna Iyer has said that the object underlying the amendment is to leave the principal sum untouched. It is certainly not the intention of the framer of the Bill that no principal should in any event be touched. I also pointed out that the proposal that is made is very much more advantageous to the Travancore creditor than the creditors elsewhere. I oppose the amendment.

The amendment was put to vote and lost.

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Mr. N. Krishna Aiyar: Sir, I beg to move the following amendment.

In Clause 9, sub-clause (2) (*b*) alter "seventy" as "eighty" and alter "two years" as "one year."

It will be noted that in the original Bill as published, there was only one year's period fixed for the payment of 70 per cent of the debt and two years for the payment of 80 per cent. The object of this amendment is to conform to that principle. I have also in mind the provision in the Cochin Act with regard to this matter. It says that the debt, scaled down, shall be payable in two equal instalments—within one year. But here there is a cut even in the principal and the debt is very much scaled down. So the period of one year will be sufficient for the repayment of 80 per cent. of the debt.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, I oppose it. The proposal contained in the original Bill was to reduce the debt to 70 per cent. if the payment is made in one year. But after elaborate discussion it was found that that provision would not be of any benefit to any debtor because the Bill itself does not propose to establish any financial agency for the purpose of helping the debtors to pay the debts within the time and it was therefore thought that a further period of one year may be given. I am not in favour of restoring the original provisions namely of reducing the two years' period to one year and altering the amount.

As regards the provision in the Cochin Act, honourable members may be aware of the fact that subsequently steps had to be taken for extending the period and the agitation for further extension still continues there.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: Sir, I move that—

"In clause 9, sub-clause (3) (b), line 1, alter "three" as "two."

It will be noted that in the original Bill the provision was that if two instalments are defaulted, then the whole amount may be recovered. Now the number "2" has been changed into "3." I would not have moved this amendment if there was provision for adequate security being furnished for the payment of the debt. Since no security has been furnished and the number of instalments is spread over a number of years, I thought that if any two instalments are defaulted, the whole amount may be recovered. There is also the possibility of the debtor defeating the creditor. He can keep quiet for 18 months and then pay one instalment, and then again keep quite for 18 months and again pay one instalment. Since steps will be taken only after three consecutive instalments are defaulted, the debtor can afford to wait for the period of 18 months without paying any instalment and thus defeat the creditor.

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Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, I oppose it. The interpretation put upon the existing clause is not correct. It reads as follows :—

> "If default is made in the payment of three consecutive instalments, or the last instalment, the debtor shall not be entitled to claim the benefits of the provisions of sub-section (1) or sub-section (2) and the whole debt together with such interest as may have accrued thereon less any amount that may have already been paid shall be forthwith payable."

The debtor cannot prevent the creditor from realising the amount due from any one particular date. It is stated "shall be forthwith payable." It appears that the mover's contention is that the debtor may default two instalments and just before or on the date of the third instalment pay the third instalment and thereby take another 18 months' time. It will be noted that any payment made towards the third instalment will not be treated as payment towards the third instalment but only as a payment towards the first instalment. I oppose the amendment.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: Sir, I move that—

In clause 9, add the following as a new Clause:

"Notwithstanding anything contained in the previous sub-sections, the amount of the reduced debt together with earlier payments, if any, made towards the debt shall in no case be less than the principal sum actually advanced."

I moved a similar amendment in respect of clause 8. There is this distinction that payments made will be calculated towards the interest and the principal will still remain unpaid. But as that has not been acceptable to the House, I have gone still further and now say that the amount of the reduced debt together with earlier payments, if any, made towards the debt shall in no case be less than the principal sum actually advanced.

Mr. G. Narayana Aiyar: Sir, in seconding this amendment I have a few words to say. The effect of the amendment will be that whatever may be the period between the date of the granting of the loan and the date of repayment, atleast the principal advanced shall be repaid. Every religion contains mandatory provisions to the effects that debts incurred by a man shall be repaid by him. It is even said that if a man dies without payment of his debts he has to be born again as a servant of the creditor for repayment of his debts at least by rendering his services. As regards the realisation of interest on debts there appears to be difference of opinion in the various religions. In the Koran it is said that no interest shall be realised. Some other religion says that the rate of interest to be realised shall be small.

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Mr. K. K. Kuruvilla : May I inform the member that the Jewish religion says that after every 50 years, every debt shall be deemed to be discharged ?

President : That was the origin of the word 'Jubilee.' There was a rejoicing at the end of every 50 years because of the wiping out of all debts.

Mr. G. Narayana Aiyar : But the Jewish religion is not a majority religion in this country. According to the Hindu law even if a father contracts a debt, the sons are bound to repay the same and their share of the family property is liable for the same The proposed amendment directs that you need pay only so much amount which including the amount already paid either by way of interest towards principal the total shall be equal to the principal and not less. I shall point out an anomaly in that contention, which will show that in certain cases you may not get back even the principal advanced. Suppose a man borrows Rs. 100 before the 23rd Dhanu 1112 *i. e.* on 1-1-1112 at a stipulated rate of interest, say 12 per cent. per annum. As per our Regulation till 23rd Dhanu 1112 the debtor has to pay interest at 12 per cent. per annum, and subsequent to that date interest can be claimed only at 9 per cent. till the passing of this Regulation. It may so happen that the amount on calculation of the interest at the above-said rate till the 1st Chingom 1116 may come to Rs. 130 or below that. If you pay 70 per cent. or Rs. 91. Rs, 9 less than the principal according to this Bill, the debt shall be deemed to be discharged. After a transaction has been dragged on for 3 years, the provision of the Bill says that if you pay Rs. 93 the debt shall be discharged. This is really very hard. I can understand relief being granted in the case of persons who are unable to pay. But the same concession is sought to be given even in the case of persons who are rich and able to pay and those persons are asked to pay only small amounts, even less than the principal. This is inequitable and hard. As such, this amendment has to be accepted.

Mr. Kochickal P. Balakrishnan Tampi : Sir, I oppose the amendment. In so doing I do not want to question the sanctity underlying the amendment. I am aware that a few people who lent money before 23rd Dhanu 1112 at certain reduced rates of interest might suffer. But it is a suffering which I may put as only arithmetically a loss. I do not want to go into the fundamentals of the principles of currency. This metallic symbol has undergone great fluctuations in value. To the Hindu who is anxious about the soul of his ancestors, a bushel of paddy or a plot

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of land is more real and concrete than the comparatively abstract conception of money. If a man could get more paddy or more land for the reduced amount in 1115 than he could get in 1112, where is the loss that he is put to? This is not at all an extreme measure that is propsed in this Section of the Bill.

In that connection, Sir, I remember what Sheridan in like mood said. He said: "It has never been my principle to pay interest nor my interest to pay the principal." No such thing is contemplated under the present Section. It is an eminently noble principle to all those who are inheritors of the Jewish culture and also to all those who are not, as referred to by Mr. Kuruvilla.

About the Hindu conception, which is very dear to me, that is not a convincing argument. On theological grounds, although it is not very convincing, in the interests of the people at large and in the interests of peace and contentment and economic prosperity of the land, I would appeal to the creditor class to make some sacrifice in that matter. With these words I oppose the amendment.

Mr. Puthupally S. Krishna Pillai: I oppose the amendment, Sir. The principle underlying this amendment was the subject matter of amendment No. 33. In connection with that amendment I pointed out why I opposed the proposal. Mr. Krishna Aiyar proposes that the amount of the reduced debt together with earlier payments, if any, made towards the debt shall in no case be less than the principal sum actually advanced or the amount of the principal outstanding at the date. The principal of the amount outstanding on the commencement of the date may be the principal and the interest which has been treated as principal and it may be such an amount treated thrice or four times over again during the period of economic depression. My friend now brings forward the proposition that the debt shall in no case be less than the principal sum actually advanced. I am quite sure that the law often recognises payment of a part as equivalent to payment of the whole. Where it is found that a debtor is unable to pay his debts and his assets are not sufficient to meet the entire liability, the law says that the debt shall be deemed to be discharged and the debtor shall be deemed to have discharged his debt notwithstanding that the payment is only of a part. Here, we have started or undertaken this measure on the conviction that there is a general inability on the part of all debtors to pay up their debt. It is on that assumption that we have proceeded; otherwise there is no justification for the Bill itself. The economic slump which started after 1105 and its unabated continuance during the last ten or eleven years are the justification for the measure. If that is so I am not in a position to understand why we should

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[Mr. Puthupally S. Krishna Pillai.]

wrangle over this principal sum. Elsewhere as I said, the rule which Mr. Narayana Iyer referred to has been interpreted in a different manner altogether. We have not treated it as a rule implying that no creditor shall be justified in receiving back anything more than twice the principal whether it be by way of interest or principal. Here there may be a slight margin touched in a few cases. The debts incurred during the last four years are not included in the Bill. Debts incurred before that period come under this Bill. Already four years have elapsed and except in the case of agricultural debts, every debt might have accumulated at least by forty-five per cent. It is only thirty per cent that may have to be given up. In regard to agricultural debts, no doubt where loans were advanced at six or nine per cent. interest, it is likely that reduction may touch the principal but even that, honourable members must realise, would be of practical application only in respect of debts which were advanced only a few days before the commencement of the Act. If it were debts incurred in the previous year, that is 1111, I am sure that this difficulty may not arise. Of course, it is not possible to deal with all possible cases. This will not affect those creditors who have already received three or four times the principal by way of interest. They were honest debtors who by reason of their disability were unable to fulfil all their obligations. This House should be prepared to consider favourably the case of persons who have already undergone difficulty for the purpose of keeeing up their honour, keeping up their promise and in spite of hardships, keeping up their heads in society. We must be prepared to be more considerate towards these people. It is for the purpose of avoiding all these complexities that an all round cut has been proposed. In practical working, it may affect all debts; but on the whole, I am quite sure that there is nothing in it to affect the creditors and there is nothing wrong in the provision as it stands now. With these words I oppose the amendment.

The amendment was put to vote and declared lost.

Mr. N. Krishna Aiyar: Sir, I move:

> "In Clause 9, add the following as a new sub-clause:
>
> 'Where a debtor claims the right to pay the debt in instalments under this section, he shall, if so required by the creditor, furnish adequate security for the whole debt or such security as he is capable of furnishing.''

I moved a similar amendment in respect of Clause 8 and then the Legal Remembrancer pointed out the objection that all debtors may not be able to furnish adequate security or in some cases the furnishing of security may be impossible by attachment on the properties. Such an objection cannot be raised here because here I

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have practically adopted the wording of Section 21 appended to the Committee's Report which I believe the Legal Remembrancer must have seen. Therefore, even in the case where the debtor is not able to furnish adequate security, I have stated that he could furnish such security as he is capable of furnishing.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai; The House has already expressed its opinion on motion No. 29 which contains almost identical words; that is to say, the House has expressed its opinion that it is against the idea of compelling debtors to furnish security in order that they may avail themselves of the provision.

With these words I oppose the amendment.

The amendment was put to vote and lost.

Mr. N. Krishna Aiyar: Sir, I move:

> In clause 9, add the following as a new sub-clause:
>
> 'Nothing contained in the foregoing sub-sections shall affect the right of any decree holder, under Section 59 of the Civil Procedure Code, to apply for and obtain rateable distribution of the assets of the judgment-debtor held by any court, in respect of the amount due under any decree against such debtor".

Of course, there would have been no necessity to move this amendment if my amendments under clause 8 or clause 9 in respect of security had been passed. Now, the difficulty may arise where no security is furnished and the debtor's property might be involuntarily sold for some other decree. There can be no objection to the creditor then applying for rateable distribution. Then he could be satisfied with at least a portion of the amount. In certain cases it may enure to the benefit of the debtors even. Since there is no specific provision, there will be a legal bar to allow rateable distribution. If an execution application be premature, he may be debarred from getting rateable distribution and may be prevented from getting anything. If, on the other hand, any kind of security can be furnished either under Clause 8 or Clause 9 it would not have been necessary. It is in the absence of that that I have moved this amendment.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, this is unnecessary and I oppose it. In Clause 10 it is provided that "nothing contained in Section 8 or Section 9 shall be deemed to affect the powers of a Court under the Code of Civil Procedure" etc. Sir, I suppose Section 59 is the Section given in the Civil Procedure Code and if this is so this Bill will not affect any of the Sections of the Civil Procedure Code.

The amendment was put to vote and lost.

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Mr. N. Krishna Aiyar: Sir, I beg to move the following amendment:

In Clause 9 add the following as a new sub-clause:—

"When a debtor has already secured a reduction of his debts under a fresh contract, conciliation, agreement or compromise with the creditor after the 23rd Dhanu 1112, he shall not be entitled to claim the further benefits under this Section."

Sir, I must say that elsewhere such provisions were made. I refer to Section 4, sub-section (g) of the C. P. Act of 1939 which is as follows:—

"Any debt in respect of which an agreement has been registered under Section 12 of the Central Provinces Debt Conciliation Act, 1933, or the same Act as applied to Berar".

Section 13 of Act III of 1112 guides the settlement of debts under the existing Act. It may be that where transactions have been settled after the passing of this Act several considerations were taken into account and were in the minds of the parties. The Conciliation Officer might have been also influenced by these considerations before effecting conciliations of debts, and substantial reduction have been already made in such debts after considering all these factors. So, in view of these considerations sufficient remissions have been made. So, the present clause, as it is, is rather too hard on such creditors, therefore, I move this amendment.

Mr. G. Narayana Aiyar: Sir, this is a very reasonable amendment. In several instances the parties had to compromise and settle the claims. Again the Conciliation Officer has made further reductions for the settlement of debts. Then again, to compel the creditor to undergo another reduction is certainly very hard. Now there is another clause, *i. e.*, Clause 11 in the Bill which lays down that the accumulated interest should never be above one-half of the principal even before and after decree. Therefore, section after section reductions are made to the detriment of the creditor. When he claims the money lent out all kinds of obstacles are put in the way. As such, it is a very reasonable amendment. Therefore, I request the House to accept this amendment and pass it.

Mr. Puthupally S. Krishna Pillai: I oppose the amendment, Sir. This proposal is to exclude debts in respect of which some concession has been made by the creditor to the debtor after the 23rd Dhanu 1112. According to the amendment it will come to this. If any the slightest benefit has been given to the debtor he shall not be benefited by the provisions of this Bill. I am quite sure that arguments are not necessary to convince this House of the rather unacceptable implication contained in this amendment.

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Mr. N. Krishna Aiyar: The learned Legal Remembrancer is labouring under a mistake. I am referring only to the benefit of further reductions in the debts.

Mr. Puthupally S. Krishna Pillai: Alright. Suppose a token cut has been made in the debt, say, a reduction of Re. 1. Then the debtor will not be benefited by the provisions of this Bill. If at least at the time when the Agriculturists' Relief Act was passed, the creditors in the State were agreeable to the conferment of powers of reduction of debts on Conciliation Officers as was done elsewhere, I am quite sure that we would not have been called upon to discuss the question now. Here, a novel provision has been made, I believe, to the satisfaction of both parties, that is, that no agreement shall be made unless it is satisfactory to the creditor. If a Conciliation Officer finds that a debt is the result of unconcessionable accumulations he is not given the power to award to the creditor what sum he deems proper. If the amendment is adopted, even a reduction of one rupee would deprive the debtor of the benefits of the Bill.

The amendment was put to the vote of the House and lost.

The question that Clause 9 do stand part of the Bill was then put to vote and passed.

Clause 9 was added to the Bill.

Clause 10.

The question that Clause 10 do stand part of the Bill was then put to vote of the House and passed.

Clause 10 was added to the Bill.

Clause 11.

Mr. N. Krishna Aiyar: Sir, I beg to move that Clause 11 may be omitted.

Sir, Clause 11, I may say, is the most unkindest cut of all. It reads thus:—"In determining the amount of a decree debt for purposes of payment under Sections 8 and 9, notwithstanding anything contained under Section 31 of the Code of Civil Proceedure, 1100, or any other law, contract, decree or order of court to the contrary, not more than one-half of the principal in the case of money debts and not more than the principal in the case of paddy debts shall be deemed payable towards interest up to the date of the decree and not more than a like amount towards interest from the date of the decree". The learned Legal Remembrancer referred to the salutary principle of Damdupat which existed 16 years ago in Travancore and it was pointed out that that principle is sought to be restored. On that score, nobody has any objection. But what is attempted here is the reopening of the decrees passed since 1100.

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[Mr. N. Krishna Aiyar.]

Section 31 of the C. P. C. corresponds to Section 34 (b) of the British Indian Act. Since the law was changed to bring it into line with the British Indian enactment, it was provided as follows:-

"31. (1) In suits for money, no court shall, in respect of the period antecedent to the institution of the suit, allow in its decree a higher rate of interest than 12 per cent. per annum and the amount adjudged as interest for such period shall not exceed one-half of the principal amount sued for.

Interest.

(2) Notwithstanding anything contained in Regulation I of 1010, where the decree is for the payment of money, the Court may, in addition to the interest awarded under sub-section (1), decree payment of interest on the principal sum adjudged of such amount as may accrue at a rate not exceeding twelve per cent. from the date of suit to the date of decree.

(3 Notwithstanding anything contained in Regulation IV of 1010, where the decree is for the payment of money, the Court may, in addition to the interest decreed under sub-sections (1) and (2), decree future interest at a rate not higher than nine per cent. on the aggregate sum adjudged from the date of decree to the date of payment or to such earlier date as the Court thinks fit, provided, however, that the amount of interest accruing from the date of the decree shall not exceed the aggregate sum adjudged.

(4) Where such a decree is silent with respect to the payment of future interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie."

But to say that the decrees passed since that time should be reopened is against the fundamental principle of the Bill itself, because one essential principle of the Bill is not to reopen decrees at all. The idea of the percentage block cut is not to reopen accounts and decrees. After passing over that stage we are coming back to reopening of decrees passed sixteen years ago. I think it is going too far and is unfair, inequitable and hard on the creditors.

Mr. M. K. Ananthasiva Aiyar: I second the amendment.

Mr. Puthupally S. Krishna Pillai : I oppose the amendment. I am quite sure that the honourable House is convinced of the justice behind this provision.

There is a general public feeling that Section 31 of the Civil Procedure Code operated to the detriment of the debtors without any mistake on their part. In such cases it was thought justifiable to re-open the decrees already passed so that some relief may be given. I emphasised that the question of completely repealing that provision has not yet been decided upon and until that is made, the existing rule will continue. I submit I am not in a position to accept the amendment.

The amendment was put to vote and declared lost.

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Mr. V. S. Arumukham Pillai: I move that in Clause 11, delete "a like amount" and substitute the following:—

"One-half of the principal in the case of money debts and not more than the principal in the case of paddy debts."

Sir, my amendment is in the interest of the debtor. It is provided in Section 31 clause (iii) of the Civil Procedure Code that not more than an aggregate amount adjudged in the decree shall be realised as interest. And under Section 21 of Act IV of 1110 it is provided that not more than the interest adjudged in the decree should be decreed as future interest. Now the words like amount may refer to the aggregate amount adjudged in the decree or interest alone adjudged in the decree. Now, Sir, my object is to make the meaning precise and clear. The wording as it is leads to doubts. Therefore the meaning must be made clear.

Now, Sir, the meaning of Section 31, Civil Procedure Code is very clear and precise. There is no doubt it clearly says that interest after the decree should not exceed the aggregate amount adjudged in the decree. In the old Act also the provision is clear, namely, that interest after decree should not exceed the interest adjudged in the decree. Here alone the word "like amount" leads to doubtful interpretation whether it implies the aggregate amount adjudged in the decree as under Section 31 of the Civil Procedure Code or whether it refers to the interest alone adjudged in the decree. Therefore unless my amendment is approved the meaning of the clause will not be clear. As I said, this amendment is in the interest of the debtors. I hope honourable members will certainly support the amendment. The Legal Remembrancer said that no argument is necessary to convince the honourable members. Therefore, without any argument I ask the honourable members to support the amendment. I may also be allowed to state in reply that however sound and sane our arguments or amendment may be the Legal Remembrancer is not going to be convinced.

Mr. Kottur Kunjukrishna Pillai: I rise to a point of order. Is it not a reflection on the conduct of the House to say that they are biassed and have a decided mind?

President: Mr. Arumukham Pillai, the suggestion is that you have meant a reflection on the members of the House in saying that they are keeping their mind in a particular way.

Mr. V. S. Arumukham Pillai: I do not mean any such reflection.

Mr. M. K. Ananthasiva Aiyar: I support the amendment.

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Mr. Puthupally S. Krishana Pillai: I am sorry that I am unable to accept the amendment even though it is certified by the mover that it is very sound. He seems to entertain a doubt as to what the words a "like amount" mean. I believe his interpretation is that it may mean either the aggregate amount in the decree or it may be the amount just like the amount already accumulated by way of interest under the decree. I may say at once that this clause deals only with interest and has nothing to do with the principal. In the first portion it deals with the interest that accumulated before the decree and in the second with respect to the interest that accrued after the decree. There is no reason for any doubt.

Mr. V. S. Arumukham Pillai: The Legal Remembrancer has said that it relates to the payment of interest. My submission is that this clause relates to the determining of the decree amount.

Mr. Puthupally S. Krishna Pillai: It is stated that

> "In determining the amount of a decree debt for purposes of payment under sections 8 and 9, notwithstanding anything contained in section 31 of the Code of Civil Procedure, 1100, or any other law, contract, decree or order of Court to the contrary not more than one half of the principal in the case of money debts and not more than the principal in the case of paddy debts shall be deemed payable towards interest up to the date of the decree and not more than a like amount towards interest from the date of the decree."

I am not in a position to answer all the doubts raised in the minds of the honourable member.

The amendment was put to vote and declared lost.

The question that Clause 11 do stand part of the Bill was put to vote and carried.

Clause 11 was added to the Bill.

Clause 12.

Mr. N. Krishana Aiyar: I move that:

> In Clause 12 alter "four per cent" to "six per cent" and "six per cent" to "nine per cent".

It is only in line with Sections 35 and 36 of the existing Act that the interest should be six per cent. in the case of money debts and nine per cent. in the case of paddy debts. The Madras Act provides interest at the rate of $6\frac{1}{4}$ per cent. for all scaled down debts. The Cochin Act provides 9 per cent. in the case of banks and 6 per cent. in other cases. Six per cent. interest is not too much and, especially so, when a substantial cut has been made in the case of the amounts due to the creditor. It is legitimate that at least future interest should remain as it is. This undue

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reduction will also induce the debtor not to pay the amount because so long as he gets the amount reduced and that spread over a considerable number of years and interest is fixed only at 4 per cent. he may bank on the provisions and will not be induced to pay the debts and ultimately it will result in his losing the benefits of the Bill. If the rates of interest are sufficiently fair, I think there will be more incentive for the debtor to pay the debt and not to allow interest to accumulate. Therefore I commend this for the acceptance of the House.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: I oppose it. Debts incurred before 22nd Dhanu 1112 and which remain unpaid till this day are debts which debtors are unable to pay. It is in respect of these debts that interest is proposed to be restricted to 4 per cent. It is not so provided in the case of other debts. Old debts which are incurred about three or four years before this Act comes into force and which are not repaid are provided to be repaid with 20, 25 or 30 per cent. reduction as the case may be by repayment in instalment. Would you contribute to the accumulation of the debts and make it impossible for the debtor to repay? It was for that purpose and in respect of those debtors only that this provision is made. It is not the proposal to keep down interest on money that may be advanced hereafter or since 22nd Dhanu 1112. In Madras future interest on all transaction has been restricted. I am not in a position to accept the amendment.

The amendment was put to vote and declared lost.

The question that clause 12 do stand part of the bill was put to vote and carried.

Clause 12 was added to the bill.

Clauses 13 and 14.

Mr. N. Krishna Aiyar: I move the following amendment:—

Omit Clauses 13 and 14.

These two clauses attempt to set aside sales which have already been confirmed. Clause 13 applies to any sale of immovable property which has taken place before the 1st day of Karkatakam 1114 but which has not been confirmed before the commencement of this Act and to any sale of immovable property which has taken place on or after the 1st day of Karkatakam 1114 and whether such sale has been confirmed or not. Practically these sections apply to all sales which have taken place after 1114 and to such of those sales that have taken place prior to 1114 but have not been confirmed before the commencement of this Act. Those who have been unfortunate enough to be decree holders would be aware

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[Mr. N. Krishna Aiyar.]

what it is to conduct a sale, what difficulties one has to undergo before a decree culminates in a sale. Once the sale takes place then he heaves a sigh of relief, even though the property may not be worth half the decree amount. All the same, there is some satisfaction that the matter has been finally concluded and hence there is the sigh of relief. But if these sales are to be set aside not for immediate payment but for a prospective deposit of one-third of the amount after six months after the passing of the Act. The provision is that the debtor may file an application for setting the sale aside within three months of the passing of the Act. Then there is a period of suspense and, nobody, neither the creditor nor the court, knows whether the debtor is going to pay anything at all. Nothing could be done for six months.

In the case of a stranger auction purchaser the difficulty is greater. Not anticipating this provision there may be several auction purchasers who may have deposited in court the whole decree amount. To such persons, it is said that they may take 70 per cent. of the decree amount deposited by the judgment-debtors and have a charge on the property for the balance 30 per cent. That means that such auction purchasers will have to file a fresh suit or have recourse to some other methods of realisation with chances of further difficulties. That, I believe, is rather unsound in principle and it does not seem to be quite reasonable. Therefore I appeal to the honourable members to accept this amendment.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: There is absolutely nothing unsound, Sir, in the principle contained in these clauses. On the other hand, an examination of the various provisions would convince this House that they are based on very sound principles. It is provided, Sir, that if 70 per cent. of the debt is deposited within one year from the date of the commencement of this Act the sale shall be set aside. There are only two possible contingencies under which an innocent third party may suffer. They are the cases where a stranger auction purchaser has deposited the sale amount in court. In some of those cases other creditors of the debtor may have applied for rateable distribution and may have received the money from the court, Here a third party has come and he has deposited money in court and that money is no longer in court but has been taken away by other parties. In such cases it is provided that the sale shall not be set aside and that no relief will be available to the debtor. If on the other hand the stranger auction purchaser merely deposits the amount in court and that amount is still in court no difficulty can arise. But it is provided that he will not be entitled to the commission. There he is also called upon to

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contribute his quota of sacrifice in support of a general clause. In cases where the money deposited by the auction purchaser has been taken away from the court by the decree holder, it is said that the auction purchaser being a stranger shall not be put to the loss arising from the provisions of this Act because this Act is intended primarily to govern the debtor and the creditor. In such cases the stranger auction purchaser is entitled to the full amount the seventy per cent. deposited by the debtor and another thirty per cent. from decree holder who, had drawn the entire amount from Courts. If the thirty per cent. is not recovered from the decree holder, the same is declared irrecoverable from the properties sold. This is based on sound and equitable principles. I am not therefore in a position to appreciate the arguments of Mr. Krishna Aiyar and I oppose his amendment.

The amendment was then put to vote and declared lost.

Mr. N. Krishna Aiyar: I move—

> In Clause 13 (1) to delete "with in six months from the date of commencement of the Act" and substitute "along with the application."

I have already pointed out in moving the prior amendment that there is a period of suspense between a debtor's applying for relief under the section and making up his mind for depositing the amount. I must supplement what I said in respect of the last amendment by a concrete instance. Just a few weeks back a sale took place in pursuance of a decree obtained in 1084. The genesis of the debt itself is the amount misappropriated by a vakil out of his client's money. The suit was filed in the year 1084—this is a reported case—and after obtaining the decree in 1084, in execution several objection petitions and claim petitions at different stages and by different persons were brought in and subsequently after getting all that rejected, the sale has been effected. The High Court had to observe about the dilatoriness of execution in this case. It was only a month or two ago that the sale has been effected. If now there is an application to set aside the sale in such a case under the provisions of this section, it will be beyond all reason. My submission is that in such cases the judgment debtor should deposit along with the application to set aside the sale one-third of the amount instead of asking the court to await for a further period of three months. This can never cause hardship to the debtor.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, I oppose the amendment. Sir, my friend would realise the position that under Clause 13 a sale is not liable to be set aside until the full deposit is made. If, but for this Act, a sale would be confirmed, that sale is not liable to be set aside until the entire amount is deposited,

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[Mr. Puthupally S. Krishna Pillai.]

The only provision contained here is that he may be given one year's time for payment. In the case referred to by my friend Mr. Krishna Aiyar, the debtor would have tried to out-beat the creditor in his attempts. Sales held before the 1st Karkatakom 1114 and which have been confirmed will not be interfered with and it is not only those that have not yet been confirmed that can be interfered with. Interference is possible only when the full deposit is made and not before. If within six months from the date of the commencement of the Act 1/3 of the amount is not deposited, the sale automatically gets confirmed so that the creditor has only six months to wait. Therefore my submission is that, if there is any disadvantage on one side, there is a corresponding advantage on the other. It is regretted that the honourable member is not able to take stock of all these circumstances.

Mr. M. K. Ananthasiva Aiyar: May I know what will be the position when 1/3 of the amount deposited and the decree-holder or auction purchaser tries to secure that from the court?

Mr. Puthupally S. Krishna Pillai: The decree-holder becomes entitled to it. There is no circumstance by which a creditor can knock off both the money and property of a debtor. No provision of law allows that.

Mr. V. S. Arumukham Pillai: May I know whether the one-third amount mentioned here as payable under the decree includes interest from the date of the sale when sale is set aside?

Mr. Puthupally S. Krishna Pillai: If it is an amount which will be included under the decree, then it will be taken into account. After the sale has taken place for the entire amount due on the date of the decree, there is no provision under law which will attract further money to court towards realisation of the full debt. The provision as such is unambiguous and I cannot understand how that difficulty can arise.

Mr. V. S. Arumukham Pillai: My doubt is not cleared. Sir, under the Civil Procedure Code, suppose the sale is set aside, does the debt include interest?

Mr. Puthupally S. Krishna Pillai: May I know the provision under which the decree-holder becomes entitled to interest?

Mr. V. S. Arumukham Pillai: May I know whether this debt includes interest?

Mr. Puthupally S. Krishna Pillai: The wording used here is, 'the amount payable under decree.' We will see what the amount is. It is 73 per cent. of the debt. No further interest accumulates on that and the creditor will have to make sacrifices. All that is assured to him is, the 70 per cent. of the debt. Otherwise, he gets the property.

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Mr. V. S. Arumukham Pillai: Therefore, may I know whether the one-third amount payable under the decree includes interest?

Mr. Puthupally S. Krishna Pillai: I never stated that a debt does not include interest. A debt comprises both principal and interest.

The amendment was put to vote and declared lost.

The question that Clause 13 do stand part of the Bill was put and carried and Clause 13 was added to the Bill.

Clauses 14 and 15.

The question that Clauses 14 and 15 do stand part of the Bill was put and carried and Clauses 14 and 15 were added to the Bill.

Clause 16.

Mr. N. Krishna Aiyar: Sir, I move—

Omit Clauses 16 to 21 and 23.

My object is to point out that these are new provisions introduced into the Bill. In the original Bill, that is to say, the draft Bill as published, there was no such provision. These provisions differ fundamentally in principle from the other provisions of the Bill. Neither the Madras Act, nor the Cochin Act, contains similar provisions. These provisions can be termed as a kind of Rural Insolvency provision. In Travancore, there is an Insolvency Act. Section 16 begins with "Any.....individual who is unable to pay his debts under the.....Act."

Already, provisions have been made in the previous clauses for reduction of the amount by 70 per cent. There are also similar cuts in other provisions as well. So, a person who is not able to pay even 70 per cent, can very well take advantage of the present Insolvency Act now in force and thus get himself adjudicated insolvent. If the object of the Bill is to reserve to him a certain portion of his property up to a certain limit, free of all encumbrances, a similar provision in the Insolvency Act would have been quite ample. But these provisions differ fundamentally in principle to the other provisions of the Act. Section 19 also introduces an element which would give rise to unnecessary, disputes, when the court proceeds to settle the debts of the debtor. Nobody is benefited by such provisions. If the object is to safeguard the interests of the debtor by giving a certain portion of the property, an amendment to the Insolvency Act as I submitted would satisfy the claims of the debtor and also relieve him a great deal without disturbing violently the rights of creditors. Therefore, Sir, both on principle and in application, I oppose the introduction of these new clauses.

Mr. Kottur Kunjukrishna Pillai: May I know whether there is not such a provision in the Bombay Act?

Mr. N. Krishna Aiyar: No, Sir.

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Mr. G. Narayana Aiyar: I support the amendment. Clause 3 sub-clause (1) says that this Act shall apply to all debts incurred before 23-5-1112. So it excludes debts contracted after that date. But clause 16 sub-clause (b) deals with debts incurred after 23-5-1112 also and affects such debts for purposes of reduction under Clause 19. Clause 19 is more drastic in its effects to the creditor than either the provisions of the Insolvency Act. Even secured creditors are affected by the provisions of clause 19 sub-clause (b) proviso. A creditor who has advanced money after the Act III of 1112, even though he is a secured creditor is asked to be satisfied with recruiting 75 per cent. of his amount at first and is to receive only a proportionate amount of the balance. The acceptance of rights of future creditors as per Act III of 1112, is taken away by these provisions. In the case of those who are unable to pay, there is the Insolvency Act. Why then, should there be this Rural Insolvency provisions. Already a statutory provision is in existence. If that is not ample, an amendment to that would mend matters. Nowhere else is such a kind of Rural Insolvency Regulation in force. Therefore, Sir, since the Bill contains anomalies, inconsistencies and that even transactions effected after the Act III of 1112 are affected, the existence of the clauses relating to the Rural Insolvency Act are not necessary.

Mr. Puthupally S. Krishna Pillai: I oppose the motion. My friend Mr. Krishna Ayar was speaking about the A. D. R. Committee report and the Bill attached to it. Government carefully considered those recommendations and though this recommendation was not adopted for the purpose of the Bill as it was originally introduced they have now found no anomaly whatsoever in accepting them. It is stated here that a debtor is entitled to pay with a reduction in payment and that in instalments. If he is unable to take advantage of this, he is given a chance to secure 25 per cent. of his assets, free of encumbrances. The latter aspect is termed by some members as an anomaly. Strictly speaking, it is not. Where a debtor pays 70 per cent. or 75 or 80 per cent., he is entitled to that reduction only at the end of 9 years. If on the other hand, if a debtor honestly comes forward and admits his inability to pay and offers for distribution of his properties, where is the loss that a creditor sustains by giving a share of the property to the debtor? Strictly speaking, therefore creditors cannot complain that undue preference has been shown to the debtor. After all it is for a debtor who is unable to pay.

Mr. G. Narayana Aiyar: What about secured creditors who have advanced money after Act III was passed?

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Mr. Puthupally S. Krishna Pillai: They will be affected in this way. Only 75 per cent. of the entire estates will be available for distribution. The secured creditors will get on the basis of priority of all creditors.

But the security extends only to 75 per cent. of the debt covered by the document. There is nothing surprising. It is an insolvency proceedings. Suppose the man was adjudicated insolvent.

Mr. G. Narayana Aiyar: May I know whether the secured creditors can get the whole amount?

Mr. Puthupally S. Krishna Pillai: Only if the debtor has properties.

Mr. G. Narayana Aiyar: Suppose if he has not sufficient security?

Mr. Puthupally S. Krishna Pillai: When we come to the law of insolvency, it is inevitable that the creditors who have advanced money after the 23rd Dhanu 1112 would also be affected. But that is unavoidable.

The amendment was put to vote and lost.

The question that Clause 16 stand part of the Bill was put and carried.

Clause 16 was added to the Bill.

Clause 17.

Mr. N. Krishna Aiyar: Sir, I move that—In Clause 17 sub clause (2), a comma shall be substituted for the full stop appearing at the end of the sub-clause and the following shall be added thereafter:

"and shall also be published in the Government Gazette."

I am sure the Legal Remembrancer will accept this amendment because it is absolutely harmless so far as the debtor is concerned. Sub-section (2) says that "Notice of such order shall be sent by registered Anchal or Post, acknowledgment due, as well as in such other manner if so prescribed to all the parties to the proceedings." In Section 18 it is said that "The procedure prescribed in the Travancore Insolvency Act shall *mutatis mutandis* be applicable to such proceedings." It is well-known that as soon as a petition of insolvency is filed the matter has to be published in the Government Gazette. By issuing notices by Anchal or Post alone it may happen that they are not issued to all the parties. Notices may be issued only to those persons whose names the debtor may mention in his application. Either deliberately or owing to omission, he might omit the names of certain creditors who may not get any notice at all. Especially under the operation of this section when 25 per cent. of the property is given free from all encumbrances and there is only the balance property remaining for the satisfaction of all the creditors, it is not just and equitable that certain persons are

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[Mr. N. Krishna Aiyar.]

omitted either intentionally or accidentally, so that it might happen that the debtor may issue notice to some of the creditors whom he likes, or he may give names of some bogus creditors. Under the Insolvency Act we find persons putting forward the claims of such bogus persons. Some claims are reliable. This can be avoided only by notifying the names in the Gazette. It is possible that several of the creditors may know of the matter only after it is published in the Government Gazette. In that case, such an objection cannot be raised by anybody. By the time the whole thing is finished any uninvited guest who comes in will get only a portion of the meal or nothing at all. To avoid such losses to the creditors notice should be published in the Government Gazette.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sub-clause (1) says that "Our Government may make rules for carrying into effect the purposes of this Act" and sub-clause (2) says "In particular and without prejudice to the generality of the foregoing power Our Government may make rules. So, this is a matter which can be prescribed under the Rules and if it is found that there is any difficulty as pointed out by the honourable member, Government will do the needful when Rules are framed.

The amendment was put to vote and lost.

The question that Clause 17 do stand part of the Bill was put and carried.

Clause 17 was added to the Bill.

Clause 18.

The question that Clause 18 do stand part of the Bill was put and carried.

Clause 18 was added to the Bill.

Clause 19.

Mr. N. Krishna Aiyar: Sir, I move that.

In Clause 19, sub-clause (b) line 2, remove the colon after the word "debt" and add the following:

> "and in accordance with their relative priorities according to law", and omit the proviso. The section now reads "all the remaining assets shall be distributed and made over to the creditors in proportion to their debts:
>
> Provided that secured creditors shall to the extent of 75 per cent. of their debts be paid in preference to unsecured creditors and only the balance of the assets shall be distributed alike amongst secured creditors for the balance of their debts and unsecured creditors."

President: I do not understand the difficulty. There is nothing in that clause to affect the ordinary law of priority.

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Mr. N. Krishna Aiyar: It is open to two objections, Sir. One is that it affects transactions entered into after the 23rd Dhanu 1112. A man advances a thousand rupees after the 23rd Dhanu 1112. Under this Section, 25 per cent. of the property goes to the debtor and out of the balance he cannot claim the whole amount because he might have other unsecured creditors. Under the present law of Insolvency, the secured creditor can claim the entire amount due under the debt. But here it cuts at the root of even the rights of secured creditors. Even if the transaction is entered after 23rd Dhanu 1112, it affects the secured creditor. Although the Section takes away the 25 per cent. leaving 75 per cent. for adjustment, there is no necessity to disturb the interests of the secured creditor as against the unsecured creditor because it does not affect the debtor at all. It not only affects transactions before 23rd Dhanu 1112 but also future transactions. Section 19 seems to be more or less a permanent Section. Advancing money on the security of immovable property will become almost impossible. There will be no chance of recovering from the security the entire amount. Even if the property secured is worth double the value of the amount advanced, it is still open to the objection that he can claim only 75 per cent. of the amount against the unsecured creditors and enforce his charge over only 75 per cent. of the property. That is cutting at the root of priority rights which now exist. There is no necessity to do so because it does not in the least give any additional relief to the debtor.

It is, therefore, I submit that that provision is open to very serious objection and should be deleted, and in its place it should be added "and in accordance with their relative priorities according to law."

Mr. Puthupally S. Krishna Pillai: Sir, I oppose the amendment. It is the rural insolvency administration that is provided in this Clause. Of course, it interferes with the existing clause to this extent. Here the debtor gets one-fourth of the properties free of all encumbrances. Ordinarly the rule is that a man has to pay off his entire debts. If all the properties are made available to answer the debts no property will be provided for him. Here only 25 per cent. of his property is left to him; and the balance is distributed. With regard to the balance of 25 per cent.—

Mr. G. Narayana Aiyar: But under the provisions of the Bill preference is not given for prior charges and every creditor can claim a share in the property.

Mr. Puthupally S. Krishna Pillai: Sir, it is not proposed like that. But all secured creditors are treated on the same footing. The 75 per cent. of the debtor's properties will be distributed among them proportionately.

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Mr. N. Krishna Aiyar: Does it benefit the debtor in any way?

Mr. Puthupally S. Krishna Pillai: It is provided there for the benefit of the creditors and not the debtors.

President: I take it that the intention of this clause is that after 25 per cent. is deducted the remaining 75 per cent. is to be made available to the secured and unsecured creditors according to the law prevailing here.

Mr. N. Krishna Aiyar: If that was the intention it would have been perfectly alright. Now as it stands in the proviso *viz.*, "Provided that secured creditors shall to the extent of 75 per cent of their debts be paid in preference to unsecured creditors," it is hard on secured creditors.

Mr. Kochikal P. Balakrishnan Tampi: May I know from the honourable member whether it is his view that this section in any manner affects the rights of the mortgagees as they are prevalent in our land?

Mr. N. Krishna Aiyar: Supposing an amount of Rs. 10,000 is advanced on a property worth Rs. 20,000. Under this section Rs. 50,000 worth of property is left over to the debtor. The balance available to the creditor is only Rs. 15,000 worth of property. Under the existing law the creditor is entitled to recover the whole amount out of the receiving security. Now according to the present provision, the amount of the secured debt is further reduced to Rs. 7,500 and the creditor can claim priority in respect of this 7,500 rupees only and may claim rateable distribution along with other unsecured creditors for the balance of Rs. 2,500 due to him.

Mr. Kochikal P. Balakrishnan Tampi: Is it not corollary of the earlier section that we have passed? And, as regards priority does this section make any difference in the law of mortgages?

Mr. N. Krishna Aiyar: It does to the extent of the claims between secured and unsecured debts. That is, even though there is 75 per cent. of the properties for the secured creditors, they can claim priority only for 75 per cent of their secured debt and have to rank for equal distribution with the unsecured creditors in respect of 25 per cent. of their secured debt. It is unwarranted and does not benefit the debtor in any way.

Mr. Puthupally S. Krishna Pillai: Sir, to this extent, I acknowledge that there is some deviation from the existing law. The law in that respect is changed to this extent: "Provided that secured creditors shall to the extent of 75 per cent. of their debts be paid in preference to the unsecured creditors and only the balance of

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the assets shall be distributed alike amongst secured creditors for the balance of their debts and unsecured creditors."

Mr. M. K. Ananthasiva Aiyar: Will the unsecured creditors get anything at all?

Mr. Puthupally S. Krishna Pillai: There may be..... ...

Mr. M. K. Ananthasiva Aiyar: When one-fourth of the property is reserved to the debtor the creditor will have to go without anything.

Mr. Puthupally S. Krishna Pillai: That is why I said that the unsecured creditor's claim must be considered. From the creditors point of veiw no creditor should go away without getting at least a portion of the debt.

Mr. Kochikal P. Balakrishnan Tampi: Is not this principle based on the old adage of killing the goose that lays the golden egg?

Mr. Puthupally S. Krishna Pillai: The underlying principle of this innovation is that no creditor should go without at least a fraction of what he has advanced.

The amendment was put to vote and declared lost.

The question that Clauses 19 do form part of the Bill was put to vote and carried.

Clause 19 was added to the Bill.

Clauses 20 and 21.

The question that Clause 20 and 21 do form part of the Bill was put to vote and carried.

Clauses 20 and 21 were added to the Bill.

Clause 22.

The question that Clause 22 do stand part of the Bill was put to vote and carried.

Clause 22 was added to the Bill

Clause 23.

Mr. S. Veeriah Reddiar (*Co-opted*): സർ, ഈ ബില്ലിൽ ചേർത്തിരിക്കുന്ന സംഖ്യകൂട്ടി ഇവിടെ പാസ്സാക്കുകയാണെങ്കിൽ ഈ രാജ്യത്ത് നടന്നുവരുന്ന കൊടുക്കൽ വാങ്ങലുകൾ സകലതും നടക്കാതായിത്തീരുന്നതാണ്. സാധാരണയായി കച്ചവടക്കാർ വസ്തുക്കളെ മറ്റുവിധത്തിലുള്ള ആസ്തികളെ നോക്കിയിട്ടല്ലാ കടം കൊടുത്തു വരുന്നതു്. കുറെ സ്വത്തു കാണും അതിൽനിന്നു കിട്ടിയില്ലെങ്കിൽ നമ്പരു പതിച്ചു വാറണ്ടിൽ പിടിച്ചു പണം ഈടാക്കാം എന്നു വിചാരിച്ചാണു കടം കൊടുക്കുന്നതു്. ഈ സെക്ഷൻ പ്രകാരം നോക്കിയാൽ ഒരു കോടതിയിൽനിന്നും വാറണ്ടു കിട്ടാൻ സാധിക്കുകയില്ലാ എന്നുള്ളതു് തീർച്ചയാണ്.

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[Mr. S. Veeriah Reddiar.]

വാറണ്ട് കിട്ടാതിരുന്നാൽ അൻപതോ നൂറോ വിലപിടിപ്പുള്ള വസ്തുക്കളിന്മേൽ നടപടി നടത്തി പണം ഈടാക്കാൻ ഒരിക്കലും സാധിക്കുകയില്ല. ഈ വിധത്തിലായാൽ കച്ചവടക്കാക്ക് ചില്ലറയായി കടം കൊടുക്കുന്നതിനും സാധിക്കാതെ വരുന്നതാണ്. നമ്മുടെ നാട്ടിലെ കച്ചവടക്കാക്ക് അന്യരാജ്യങ്ങളിൽനിന്നും ചരക്കുകളയക്കുന്നത് ഇവിടെയുള്ള വരുടെ വസ്തുവകകളോ സ്ഥിതികളോ അന്വേഷിച്ചിട്ടല്ല. കടം കൊടുത്താൽ മര്യാദയായിട്ട് കാര്യങ്ങൾ ശരിയായി നടക്കുമെന്നു വിചാരിച്ചാണ് അവർ ചരക്കയക്കുന്നത്. അങ്ങിനെയുള്ളവക്ക് ഇവിടെ വന്ന് വസ്തുവകകളും മറ്റും ഉണ്ടെന്നു കോടതിയെ ബോദ്ധ്യപ്പെടുത്തി വാറണ്ടു വാങ്ങി പണം ഈടാക്കാൻ സാധിക്കുന്നതല്ല. അതുകൊണ്ട് ഈ വകുപ്പിനെ ഈ ബില്ലിൽ നിന്നും മാറ്റി ബില്ല് പാസാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

M. M. K. Ananthasiva Aiyar : Sir, I second it.

Mr. Puthupally S. Krishna Pillai : So that Mr. Reddiar may understand me, shall I talk in Malayalam, Sir ?

President : Yes.

Mr. Puthupalli S. Krishna Pillai : ഈ ഭേദഗതി ഇവിടത്തെ സിവിൽ നടപടി നിയമത്തിൽ വരുത്തുന്നപക്ഷം കൊടുത്ത കടം ഈടാക്കാൻ പ്രയാസമാണെന്നും വിദേശങ്ങളിലുള്ള വ്യാപാരികളിൽനിന്നു ചരക്കു കടം വാങ്ങിക്കുവാൻ ഈ നാട്ടുകാക്ക് വളരെ പ്രയാസമായിരിക്കുമെന്നും മി. റെഡ്ഡ്യാർ പറയുന്നു. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ നിയമനത്തിൽ കഴിഞ്ഞ മൂന്നു കൊല്ലത്തിനു മുൻപ് വരുത്തിയിട്ടുള്ള ഭേദഗതി ഇവിടെയും വരുത്തണമെന്നു മാത്രമേ പറയുന്നുള്ളൂ.

Mr. S. Veeriah Reddiar : ബ്രിട്ടീഷ് ഇൻഡ്യയിലുള്ള ബിൽ കൃഷിക്കാരെ മാത്രം ബാധിക്കുന്നതല്ലാതെ ഇതുപോലെ ഒരു ബിൽ അവിടെയുണ്ടോ എന്നറിയുന്നില്ല.

Mr. Puthupally S. Krishna Pillai : ആ സംഗതിയെ സംബന്ധിച്ച് മി. റെഡ്ഡ്യാർ ഞാൻ പറയുന്ന സ്റ്റേറ്റുമെന്റിനെ സ്വീകരിക്കണം. തിരുവിതാംകൂറിൽ കൃഷിക്കാരെ സംബന്ധിച്ചിടത്തോളം ഇതുപോലെ ഒരു വകുപ്പു നിലവിലിരിക്കുന്നു.

Mr. S. Veeriah Reddiar : അങ്ങിനെ ഒരു വകുപ്പ് ഇരുന്നിട്ടുതന്നെയും ഇപ്പോൾ വാറണ്ടിൽ പിടിക്കാൻ സാധിക്കുന്നില്ല. കെട്ടിടങ്ങളിലെ വാടക കേസു കൊടുത്തു വാങ്ങിക്കുവാനും സാധിക്കുന്നില്ല. ആ സ്ഥിതിക്കു ഈ വകുപ്പും കൂടെ വരികയാണെങ്കിൽ ഒരു സംഗതിയും നടക്കുകയില്ലാ എന്നാണ് എന്റെ അഭിപ്രായം.

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Mr. Puthupally S. Krishna Pillai : അത് തെറ്റാണ്. ഇപ്പോഴത്തെ തിരുവിതാംകൂർ ഇംഗ്ലീഷ്കൽച്ചറൽ ഡെറ്റ് റിലീഫ് ആക്ടിൽ ഉള്ള വകുപ്പ് ഇതിൽനിന്നും അല്പം വ്യത്യസ്തമാണെന്നുള്ളത് സമ്മതിക്കാം. അതു തന്നെ ഉപദ്രവമാണെന്ന മെമ്പർ പറയുന്നു. പഴയ മത്തെ വകുപ്പ് ഇന്നു ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ നടപ്പിലിരിക്കുന്നു. അവിടെ കർഷകരെന്നും അകർഷകരെന്നും ഉള്ള വ്യത്യാസം തിരുവിതാംകൂറിലുള്ളതുപോലെ സ്വീകരിച്ചിട്ടില്ല. സിവിൽ പ്രൊസീഡർ കോഡിലെ ഈ വകുപ്പു കച്ചവടക്കാരനേയും ധനികനേയും ദരിദ്രനേയും ഒന്നുപോലെ ബന്ധിക്കുന്നതാണ്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ സിവിൽനടപടി നിയമത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണ് തിരുവിതാംകൂറിലും സിവിൽ നടപടി നിയമം നടപ്പാക്കിയിട്ടുള്ളത്. അവിടെ അതാതു കാലത്തു അപ്പോഴപ്പോഴുണ്ടാകുന്ന ഭേദഗതികൾ ഇവിടെയും സ്വീകരിക്കുന്നതു യോഗ്യമാണെന്നു തോന്നുന്നുവെങ്കിൽ അതു ഇവിടെ സ്വീകരിക്കുകയാണ് ചെയ്യുവരുന്നതു്.

Mr. C. N. Tuppan Nambootiri : ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ നിയമങ്ങളാണ് ഇവിടെയും സ്വീകരിച്ചിക്കുന്നു എങ്കിൽ ഇതു ബുദ്ധിമുട്ടുകളൊന്നും ക്രമാതെ തന്നെ ഇവിടത്തെ നിയമത്തെ പകർത്തിയാൽ പോരെ ?

Mr. Puthupally S. Krishna Pillai : ഞാൻ പറഞ്ഞതു മുഴുവൻ ശ്രദ്ധിച്ചു കേട്ടിരുന്നുവെങ്കിൽ ഇങ്ങനെയൊരു ചോദ്യത്തിന്റെ ആവശ്യം ഉണ്ടാവുകയില്ലായിരുന്നു. അവിടെ അപ്പോഴപ്പോൾ പാസ്സാക്കുന്ന നിയമങ്ങളനുസരിച്ചുള്ള ഭേദഗതികൾ ഇവിടെയും സ്വീകരിക്കേണ്ടതു് ഏതെങ്കിലും കാരണവശാൽ അത്യാവശ്യമാണെന്നു കണ്ടാൽ അപ്പോൾതന്നെ ആ ഭേദഗതി ഇവിടെയും നടപ്പാക്കേണ്ടതു നമ്മുടെ ചുമതലയാണ്. അല്ലാതെ ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ നടപ്പാക്കിയിരിക്കുന്ന ഏതെങ്കിലും ഒരു നിയമം തിരുവിതാംകൂറിലും നടപ്പാക്കണം എന്നു് ലീഗൽ റിമെംബ്രൻസർ എന്ന നിലയിൽ ഞാൻ പറയുകയില്ല. ഒരു മെമ്പർ എന്ന നിലയിലെങ്കിലും അങ്ങിനെ പറയുകയില്ല. ഒരു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തി ഒരു പുതിയ നിയമം ഉണ്ടാക്കുകയോ മറ്റു നിയമങ്ങളിൽ പ്രധാനമായ ഏതെങ്കിലും വകുപ്പുകൾ ഭേദഗതി ചെയ്കയോ ചെയ്താൽ നമുക്കു സ്വീകാര്യയോഗ്യമായി തോന്നുന്നെങ്കിൽ അതു് സ്വീകരിക്കേണ്ടതാണ്.

ഈ വകുപ്പിലടങ്ങിയിരിക്കുന്ന തത്വം കടക്കാരെ സംബന്ധിച്ചിടത്തോളം ഇതുവരെയുണ്ടായിട്ടുള്ള നിയമങ്ങളിൽ ഏറ്റവും പരിഷ്കൃത

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[Mr. Puthupally S. Krishna Pillai.]

മായ ആശയത്തെ അടിസ്ഥാനപ്പെടുത്തിയിട്ടുള്ളതാകുന്നു. (മി. പി. ബാലകൃഷ്ണൻതമ്പി ഹീയർ, ഹിയർ) ഒരാൾ കടം വാങ്ങിച്ചു പോയാൽ അതു തിരിയെ കൊടുക്കുന്നതുവരെ അയാളെ പിടിച്ചു ജയിലിൽ കൊണ്ടുപോയിവച്ചു അവിടത്തെ കഷ്ടപാടുകളും ബുദ്ധിമുട്ടുകളും അനുഭവിച്ചു കടം കൊടുക്കുന്നതുവരെ അയാൾക്കു ചിലവിനും കൊടുത്തു പണം കൊടുക്കുന്നില്ല എന്നു കാണുമ്പോൾ ഇറക്കിവിട്ടു കഷ്ടപ്പെടുത്തുന്നതു കടം കൊടുക്കുകയും വാങ്ങിക്കുകയും ചെയ്യുന്നവക്കു യോജിച്ചതല്ല. സിവിൽ ജയിലിലാക്കുക എന്നുള്ളതു പണ്ടുപണ്ടേ ഇരിക്കുന്ന ഒരു രീതിയെ അടിസ്ഥാനപ്പെടുത്തി ഇപ്പോഴും തുടർന്നുകൊണ്ടു പോകുന്നുവെന്നേയുള്ളൂ. ഈ ബില്ലിൽ പറയുന്ന കാരണങ്ങൾ ഏതെങ്കിലും ഉണ്ടെന്നു തെളിയിക്കുന്നപക്ഷം വാറണ്ടിൽ പിടിക്കാമെന്നു ഇതിൽതന്നെ പറയുന്നുണ്ടു. ഇതിൽ പറയുന്ന കാരണങ്ങളിൽ ഏതെങ്കിലും ഒന്നിനെ അടിസ്ഥാനപ്പെടുത്തിയല്ലാതെ വാറണ്ടനുവദിക്കുന്നതെന്നും വാറണ്ടു് അനുവദിക്കുന്നതിനു മുമ്പു് ഒരു നോട്ടീസയക്കണമെന്നുമാണു് ഇതിൽ പറയുന്നതു്. ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞതുപോലെ കടം വാങ്ങിച്ചാൽ കൊടുക്കാതിരിക്കുന്നതിനൊ ജയിലിൽ പോകാതിരിക്കുന്നതിനൊ ഉള്ള പരിതസ്ഥിതികളൊന്നും ഈ വകുപ്പുകൊണ്ടു് വരുന്നില്ലെന്നു അതു വായിച്ചു നോക്കിയാൽ കാണാം. ഉത്തമവിശ്വാസമായും ന്യായമായ കാരണങ്ങളാലും ഒരാൾക്കു കടം തീർക്കാൻ സാധിക്കാതെ വരുമ്പോൾ അയാളെ ജയിലിലാക്കുന്നതു ശരിയല്ല. നേരേമറിച്ചു് കടം കൊടുത്തവരെ മോശം ചെയ്യണമെന്നും അവക്കു പണം വളരെ കാലതാമസപ്പെടുത്തിയേ കൊടുക്കാവൂ എന്നും വിചാരിച്ചു് കടം കൊടുത്തു തീക്കാൻ ശ്രമിക്കാതിരിക്കുന്നു എന്നു ബോദ്ധ്യപ്പെട്ടാൽ അവരുടെ മേൽ വാറണ്ടയക്കാൻ കോടതിക്കുള്ള അധികാരത്തെ ഈ ബിൽ തടയുന്നില്ല.

Mr. S. Veeriah Reddiar : കോടതിയെ ബോദ്ധ്യപ്പെടുത്താൻ സാധിക്കുകയില്ലെന്നാണു് ഞാൻ പറഞ്ഞതു്.

Mr. Puthupally S. Krishna Pillai : ശരിയായ ജാമ്യത്തിന്മേൽ പണം കൊടുത്താൽ തിരിയെ തന്നില്ലെങ്കിൽ ജാമ്യത്തിൽനിന്നും ഈടാക്കാമല്ലോ. അല്ലാതെ ഒരാളിന്റെ ശരീരത്തെ പിഴിഞ്ഞെടുത്തു് കടം ഈടാക്കിക്കളയാമെന്നുള്ളതു ഒരു തത്വത്തിലും അടിസ്ഥാനപ്പെടുത്തിയിട്ടുള്ളതല്ല.

Mr. S. Veeriah Reddiar : ഈ കാര്യത്തിൽ ബഹുമാനപ്പെട്ട മെമ്പറെക്കാൾ എനിക്കു് കൂടുതൽ അനുകമ്പയുണ്ടു്. നമ്മുടെ രാജ്യത്തു

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നടക്കേണ്ട സംഗതികളെപ്പറ്റിയാണ് ഞാൻ പറയുന്നത്. ഒരു കടക്കാരൻ മനഃപൂർവം കടം തീക്കാതിരിക്കുകയാണെന്നു കോടതിയെ ബോദ്ധ്യപ്പെടുത്താൻ ഒരിക്കലും സാധിക്കുകയില്ല. ഇതിലേക്ക് ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന നിയമം തന്നെ ധാരാളം മതിയാകും. അങ്ങനെയിരിക്കെ ഇപ്രകാരം ഒരു വകുപ്പുകൂടി ഈ ബില്ലിൽ ചേർത്തു വിഷമിപ്പിക്കുന്നതെന്തിനാണ്.

Mr. Puthupally S. Krishna Pillai : ബ്രിട്ടീസ് ഇൻഡ്യയിലും മറ്റു സ്ഥലങ്ങളിലും കോടതിയെ ബോദ്ധ്യപ്പെടുത്തിയാലും തരക്കേടില്ല. തിരുവിതാംകൂറിൽ കോടതിയെ ബോദ്ധ്യപ്പെടുത്താൻ പാടില്ല എന്നുള്ള മനഃസ്ഥിതിയോട് ഗവണ്മെന്റു യോജിക്കുവാൻ നിവൃത്തിയില്ല.

Mr. C. N. Tuppan Nambootiri : ഈ വകുപ്പ് പാസായാൽ വസ്തുവിൽ ചാർജ്ജുചെയ്യാതെയുള്ള കടങ്ങളൊക്കെ തീർന്നു എന്നു വിശ്വസിക്കുന്നതിൽ തെറ്റുണ്ടോ ?

Mr. Puthupally S Krishna Pillai . തീർന്നാൽ വിശ്വസിക്കുന്നതിൽ തെറ്റില്ല. അതുകൊണ്ട് കടക്കാരെ ജയിലിൽ അയക്കുന്ന രീതിക്ക് ഒരു ചെറിയ ഭേദഗതി ഇതുകൊണ്ടു വരുന്നുണ്ട്. ഇത് ഒരു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തി ചെയ്തിരിക്കുകയാണു. കർഷകനെ സംബന്ധിച്ചിടത്തോളം ഒരു നിയമമുണ്ട്. കർഷകനെന്നുള്ള പദത്തിന്റെ വ്യാഖ്യാനത്തിൽ വളരെ പ്രയാസമുള്ളതുകൊണ്ട് ഒരാൾ കർഷകനാണെന്നും അല്ലെന്നും വാദിച്ച് സമയം കളയാനിടവരുന്നു. ഇതിനെക്കാൾ വിപുലമായ നിയമം നമ്മുടെ അടുത്ത രാജ്യങ്ങളിൽ നടപ്പിൽ വരുത്തിയിരിക്കുന്നു. അതു മൂന്നുകൊല്ലമായി നടപ്പിലിരുന്നിട്ടും അവിടങ്ങളിലെ കച്ചവടക്കാർക്ക് സങ്കടമുള്ളതായി പറയുകയോ കച്ചവടക്കാർ അവിടം വിട്ടു പോകയോ ചെയ്തിട്ടുള്ളതായി കാണുന്നില്ല. ആ സ്ഥിതിക്ക് തിരുവിതാംകൂറിലും ഈ മഹൽ തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയിട്ടുള്ള ഈ വകുപ്പ് വളരെ ശരിയാണെന്നാണ് വിചാരിക്കുന്നത്.

Mr. S. Veeriah Reddiar : ഇപ്പോൾ പണം കൊടുത്തവനു ശരിയായി കിട്ടുകയില്ല എന്നേയുള്ളൂ. ബഹുമാനപ്പെട്ട ഗവണ്മെൻറ് നമ്മുടെ രാജ്യത്തെ സ്ഥിതിക്ക് വാറണ്ടിൽ പിടിക്കാൻ പാടില്ല എന്നുള്ള തത്വം സ്വീകരിക്കുന്നതു സന്തോഷം തന്നെ.

Mr. Puthupalli S. Krishna Pillai : നമ്മെക്കാൾ കൂടുതൽ പരിഷ്ക്കാരമുള്ള രാജ്യങ്ങളിൽ കൂടുതൽ പരിഷ്ക്കാരങ്ങൾ നടപ്പുണ്ട്. ഒരു കാലത്തു തിരുവിതാംകൂറിലും അങ്ങനെ വരികയില്ലെന്നു വിചാരി

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[Mr. Puthupally S. Krishna Pillai.]

കേണ്ട. അതായതു കുറെ കഴിയുമ്പോൾ ഒരാളിനെ ഒരു കാരണവശാലും സിവിൽ ജയിലിൽ അയക്കാൻ പാടില്ലെന്നു വന്നേയ്ക്കാം.

Mr. M. Govindan : : ഇപ്പോൾ തന്നെ അങ്ങനെ വരുന്നതിൽ അക്ഷേപമുണ്ടോ ?

Mr. Puthupally S. Krishna Pillai : ഇപ്പോൾ കൊണ്ടുവന്നിട്ടില്ല എന്നേയുള്ളൂ.

So far as the Government are concerned, they have made no such proposal. Nor have they considered the question. They have brought forward the provision because they were prepared to accept the recommendations made by the Committee and because there is a corresponding analogous provision in force in British India.

Mr James Fletcher: Is the Legal Remembrancer aware that as long as this section exists there will be no loan given on personal securities ?

Mr. Puthupally S. Krishna Pillai: I do not believe in any such things. Does the honourable member believe that the flesh and bone that constitute our body is in any way pledged for the amount we borrow. No man lends money for the flesh and bone that constitutes the debtor's body. Personal security should not be confounded with the body of the person who has borrowed. Personal security is something different. And it cannot be contented that because this provision is in operation in British India there is no transaction there on personal security.

The amendment of Mr. Veeriah Reddiar to delete Clause 23 was put to vote and declared lost.

Mr. N Krishna Aiyar: I move that in clause 23 add another sub-clause as follows :—

> "The judgement-debtor, however, shall in the case of execution of any such decree, submit to the court a declaration in writing that he is not able, without time being allowed, to pay up the decree amount, and shall submit also a list of his entire properties, movable and immovable, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) with particulars sufficient to identify them, undertaking in writing not to alienate or encumber any of such properties without specific authority granted by the Court to do so. If he has not submitted such a declaration or such list or has not given such undertaking or if it is proved at any time to the satisfaction of the Court that the list is incomplete or incorrect in meterial particulars or that he has alientated or encumbered any of such properties against the undertaking, the Court may order his arrest or detention in the civil prisons."

Sir, in this amendment I have done nothing else except bodily embodying Clause 2 of Section 37 of the present Act. The Legal

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Remembrancer was saying that this provision was special to the circumstances and new to Travancore. It is already recognised in Section 37 of the present Act which is mentioned only as an amendment to Section 48 A of the Civil Procedure Code. It is stated in clause 2 that 'nothing in this sub-section shall apply in the case of a decree for payment of money etc.," I have merely transferred that provision.

President: Is this not really one aspect of the act of good faith ? This may be one way of finding that out.

Mr. N. Krishna Aiyar: Since this provision is already in an existing enactment, I thought it may be embodied in this Bill also because it enjoins the debtor to furnish a list of all his properties and give an undertaking not to alienate them.

Mr. M. K. Ananthasiva Aiyar: I second it.

Mr. Puthupally S. Krishna Pillai: Sir, Section 37 of the Agriculturists' Relief Act will stand repealed and these are matters which will have to be considered by the Court. The amendment merely prescribes the procedure to be adopted by the Court.

The amendment was put to the vote of the House and declared lost.

Mr. N. Krishna Aiyar: Sir, I move—

In clause 23 add a new sub clause as follows :—

"This section shall not apply to any debts incurred before the passing of this Act".

As the honourable the Legal Remembrancer pointed out, this may be a wholesome provision, because other civilised countries are adopting it. It would be rather hard to apply the Act retrospectively to loans advanced already because when a creditor advanced money he would certainly have looked to the personal security first. By that, it is not meant the flesh and blood of the debtor as pointed out by the Legal Remembrancer. It is the sense of honour attached to personal security. Now the creditor hopes to get his money not by actually incarcerating the debtor but because the fear of incarceration will induce the debtor to pay back the debt which he will not otherwise do.

Mr. Puthupally S. Krishna Pillai: Sir, I rise to a point of order. Clause 3 (2) reads—

"..... ..the provisions of sections..... .....23 shall apply to all classes of debts whether incurred before on or after the 23rd Dhanu 1112".

This clause has already been passed and adopted by this House and the present amendment to clause 23 is out of order.

President: I hold that the amendment is out of order.

The question that clause 23 do stand part of the Bill was then put and carried.

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Clause 23 was added to the Bill.

Clause 24.

Mr. N. Krishna Aiyar: Sir, I move—

In clause 24, sub-clause (1) to substitute a comma for full stop at the end of the sub-clause and to add the following :—

"and may determine the pecuniary limits to which this Act shall apply".

In Section 3 (1) (c) of the present Act it is stated that

"Our Government may determine the pecuniary jurisdiction of any board."

Here although there is no pecuniary limit prescribed, and since we can entirely depend upon the Government to prescribe any such limit if and when they consider it necessary, I thought it may be useful to have this provision.

President: Can it be reconciled with the wording of Clause (3)?

Mr. Puthupally S. Krishna Pillai: Sir, amendments prescribing the various limits to the debts to which this Act will apply have been proposed, discussed and rejected.

President: Clause 3 of the present enactment which this House has passed says that this Act shall apply to all debts. The generality of that provision cannot be derogated from by the rule-making powers of the Government. I hold the amendment to be out of order.

The question that Clause 24 do stand part of the Bill was put and carried.

Clause 24 was added to the Bill.

Clause 25.

The question that clause 25 do stand part of the Bill was put and carried.

Clause 25 was added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put and carried.

The Preamble was added to the Bill.

Title.

The question that the title do stand part of the Bill was then put and carried.

The title was added to the Bill.

Mr. Puthupally S. Krishna Pillai: Sir, no amendments having been moved, I request your permission to move for the third reading of the Bill. I move, Sir, that the Travancore Debt Relief Bill be passed.

Mr. C. V. Chandrasekharan: I second it.

Mr. N. Krishna Aiyar: Sir, I oppose the motion. I am deeply obliged to you, Sir, and to the honourable members of this

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House for giving me a patient hearing on the amendments which I moved—

Mr. Kottur Kunjukrishna Pillai: May I know from the member whether it is because of the patience exercised by the House that he opposes the motion for passing the third reading of the Bill.

President: He thanks the members for the patient hearing they gave ; nevertheless, he is opposing the passing of the Bill.

Mr. N. Krishna Aiyar: I am conscious that most of the members should have been impressed of the reasonableness of the several amendments moved by me. (*Mr. C. V. Chandrasekharan : Question.*) But my belief is that several of the members—I am saying this because some members who expressed their views seemed to be convinced of the reasonableness—

Mr. M. K. Ananthasiva Aiyar: I rise to a point of order, whether expressions made by honourable members of the House privately to the honourable member could be stated in this House openly ?

President: No.

Mr. N. Krishna Aiyar: I am referring to it only as the general impression which I was able to gather. I was able to gather that the difficulty which obsessed several honourable members was that if any amendment was passed in this House, the passing of the Bill would be delayed and it will be taken that they were standing between the people and the Government. I also agree that there is some point in that. But, constituted as we are, as members of the Upper House, we have a duty to review the entire situation and the principles underlying any bill that comes up to us from the other House. There have been occasions when on such review, different conclusions have been arrived at by this House. Therefore, although there may be some reasons for our rushing with this Bill, still it should be borne in mind that we have to review the whole situation.

Mr. Kochikal P. Balakrishnan Tampi: May I know whether the honourable member is aware that the law of estoppel has no application to any legislation in the world ?

Mr. N. Krishna Aiyar: I am perfectly aware of that and that is why I say that it is quite open to the honourable members, both official and non-official, to review the entire situation and make up their minds before voting for this Bill as it stands and to allow some time to lapse to give Government sufficient time to reconsider and recast the Bill, if they think it necessary, on sounder lines. At this juncture when we are practically finishing the last stages of the Bill, I think it is my duty to point out that five years ago such a Bill would not have even been dreampt of.

On a reading of the report of the A. D. R. Committee, it is found that the depression started as early as 1105. All of us

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[Mr N. Krishna Aiyar,]

know, at any rate, it has been stated by responsible person throughout Travancore, that the proposed enactment arose on account of the agitation set up by a section of or handful of influential debtors. After the depression started, as I said, from 1105-1110, we did not hear any complaint against creditors. Anyway, we did not even hear any such movement. I believe that the genesis of such a movement in Travancore may be traced to the Devadhar Committee report. After that, some of the debtors started an agitation as a result of which a memorial was submitted to Government. Then, the Agricultural Debt Relief Committee was constituted which culminated in a report, and Act III of 1112 was passed. All of us are aware and clearly remember that at the second reading of the Agriculturists' Debt Relief Bill, certain drastic provisions were made which were rectified by wise guidance at the third reading. When the old Bill, which did not even contain half the severity of the provisions of the present Bill, was pushed through at its second reading, there was a feeling in the minds of the creditors as to the harmful effect that may result from it. By introducing suitable and timely amendments and thereby removing the harmful effects of the Bill, some of the provisions that were calculated to destroy the credit structure of the country were removed after the second reading. That is the Act III of 1112. Though that does not satisfy the demands of the debtors in full it gave the debtors an opportunity to wipe off the debt and instalments. Those debtors who were anxious and willing to settle their claims amicably with the creditors effected their payments, while certain others continued the agitation, so much so, at the time when the period was about to expire, the agitation started afresh. Again, a new committee called the Debt Relief Enquiry Committee was set up in pursuance of their request, and we have seen the result of that. After the Committee's report was published, it was found to contain several provisions, some of them reasonable, and others drastic. The Committee's report was placed for discussion before the Assembly and the Council at a joint sitting. The Dewan-President made a very illuminating statement reviewing the whole position. I had adverted to several observations made by the Dewan-President in the course of my address. In the course of that, the Dewan-President however, cautioned that the Government have not made up their minds but that they would be anxious to know the views of the country as reflected through the representatives of the people. In that way, views were expressed.

Mr. Kochikal P. Balakrishnan Tampi: Was not all that at an earlier stage ?

Mr. N. Krishna Aiyar: Of course, since I have already adverted to several valuable observations of the Dewan-President in the course of my general remarks, I do not want to take up the

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valuable time of this House, by repeating them once more. I believe all the honourable members are aware of all that. I also referred to the dissenting note of the Land Revenue Commissioner that is appended to the Debt Relief Committee report which also shows that there are several suggestions, fair to the creditor and debtor, well based on fundamental principles. Those were, decrees of courts ought not to be reopened ; banks and co-operative societies should not be brought under the operation of the Act ; the principal being a sacred amount in any transaction should not be cut down ; trade debts should not be brought under the operation of the Act ; an upper limit for the working of the Act should be fixed. The Land Revenue Commissioner and the Legal Remembrancer were Government representatives on the committee. All that must have impressed on the minds of the creditors very well. Whatever be the majority view of the committee, the view expressed by a responsible officer, such as the Land Revenue Commissioner, who is one of the members in the committee is entitled to considerable weight.

Mr. Kottur Kunjukrishna Pillai : May I know whether the view expressed by the Land Revenue Commissioner should be considered as having more weight than by the committee and the President of it as a whole ?

Mr. N. Krishna Aiyar : I am not questioning the relative values of the various opinions contained in the report. I am pointing out that the honourable member, the Land Revenue Commissioner, has expressed certain views and that must have left an impression in the minds of the creditors that although certain reforms in legislative measures may be commendable, fundamentals may not be affected. That idea was supported by the Dewan-President's announcement in the Legislature. The Land Revenue Commissioner's opinion was not entirely in his personal capacity. One other Government member of the committee was the honourable the Legal Remembrancer. He has pointed out his views more than once in the Legislature. He has stated that he did not entirely agree with all the opinions of the Committee. After the deliberations of the joint sitting of the Legislature, when discussion on the relief aspect was about to close, the honourable Legal Remembrancer ventilated unequivocally certain of his views. Since I did not refer to them in my remarks, I may be now permitted to point out some of the views expressed by him.

> ....."While a good many are of opinion that the Act should benefit only certain classes of debtors, there are a few who maintain that no such distinction should be maintained. Government entertain very serious doubts as to what exactly should be the scope of the Bill and the extent of help that

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[Mr. N. Krishna Aiyar.]

they should undertake to offer. Sir, as the officer of Government who has been mainly put in charge of scrutinising the proposed provisions of the Bill, I find very great difficulty in accepting entirely all the recommendations of the Debt Relief Enquiry Committee. The fact is that that Bill goes beyond any legislation undertaken by any Government in India or for that matter even outside India."

President: Does the honourable member refer to a stage before the formulation of the present proposals which involve, new basis for repayment, benefit derivable on such basis, or promise of repayment?

Mr. N. Krishna Aiyar: I am reading only certain portions, Sir.

"The Cochin Act, the Madras Act, the Central Provinces Act, the Bombay Act, and for that matter every other Act passed hitherto, and every Bill introduced and pending consideration with the various Legislatures, deal only with specific classes of debts..... We are not concerned with speculators in their various capacities, or with allegators or crocodiles, or snakes or vipers that have been destroyed by them. I am not concerned with the activities and achievements of our people and the contributions they have made to the prosperity of the State.. Sanctity of contract is a matter which has been upheld by this legislature. It has interfered with it whenever it was convinced that there was an absolute necessity or justification for it....."

Mr. Kochikal P. Balakrishnan Tampi: (*Hear, hear.*)

"..... It is true that, in the case of certain debtors, they now find it impossible to keep down their debts and to maintain any thing like a fair, normal standard of life. But, there are also certain other debtors who have plenty of resources even now, vast extent of property and income from other sources, and who can repay their debts to the last pie if they want and still continue to live, though not the same life of luxury that they have been living, a fairly decent life....."

Mr. Kochikal P. Balakrishnan Tampi: Sir, I rise to a point of order. Can the member read such long extracts?

President: I have already given a ruling with regard to the point elsewhere and that ruling is that it is open to the honourable members to object to the passing of the Bill as it emerges after all the amendments have been dealt with and in so doing no detailed examination of each of the clauses is permissible. But the honourable member will observe the limits of that ruling that no detailed examination is permissible at this stage.

Mr. N. Krishna Aiyar: I am reading these extracts because I am adopting the same arguments as the honourable Legal Remembrancer. I cannot put it in better language.

"There are rich debtors in the country who, in spite of the fall in prices, even now get a fair margin of profit, with which they can

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maintain themselves, though not with the same opulence as of old. It is not fair that we authorise such well-to-do persons to break their pledges, the terms of their contracts. Because we have in the country a large number of poor debtors who are really not able to pay back their debts, are we justified, I ask, in legislating that those who are really able to pay back their debts need not pay too ?.....I admit I am not aware of all legislative enactments in the whole world. But, has any honourable member stated here, during the course of his speech, that at least in one State or Province, the Legislature had provided that all debtors in that State or Province shall be protected and that none of them need fulfil their obligations"

Mr. Kochikal P. Balakrishnan Tampi: Sir, I move that the motion before the House be now put.

Mr. N. Krishna Aiyar: Sir, I will finish in five minutes time. The Legal Remembrancer has in unequivocal terms adopted the very same ideas expressed by the Dewan-President and also by the Land Revenue Commissioner. In the face of such pronouncements from such responsible authorities it was only legitimate that the creditors thought that a Bill may be brought forward which may not fundamentally affect their rights though it may contain large relief measures to the debtors. Both in my general observations and in my comments regarding the amendments, I have pointed out how the Bill as brought forward is fundamentally opposed to the principles as enunciated above. Even the draft Bill as brought forward was too drastic a measure for being allowed to be passed.

But when it was introduced in the Assembly, we find that, instead of trying to introduce at least some beneficial provisions to protect creditors also several other provisions were super-added to make the situation of the creditors extremely worse. It is true, as I said at the outset, that it is one of our objects to push through relief measures as far as possible. But, if we find that the Bill before us would ultimately destroy the credit of the country and also would impair the progress of all future financing agencies, to the detriment of all development of trade and industry in the State, I think that we have a greater duty, in the larger interests of the State, to reconsider the whole matter. And if even in spite of all these considerations the House comes to the conclusion that the present Bill should be passed, then I would appeal to you, Sir.....

President: No such appeals are permissible in the House as this House is plenary over its jurisdiction.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I wish to pay a tribute to my esteemed friend Mr. Krishna Aiyar who has moved all his amendments to enable the House to understand fully

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[Mr. Kochikal P. Balakrishnan Tampi,]

and clearly the plight of the creditors if this piece of legislation is passed. There is no doubt that the creditors would be in some difficulties ; and I am glad to state that Mr. Krishna Aiyar who is the richest creditor in the land, because personally I know Mr. Krishna Aiyar and his house, is also one of the kindest of the creditors never charging more than 9 per cent on their transaction.

Mr. Kottur Kunjukrishna Pillai : Sir, on a point of order. Can the time of the House be taken up with discussions based on personal transactions of one member with another member.

President : I think the honourable member was only dealing the point as a kind of compliment to Mr. Krishna Aiyar with regard to his conduct in moving his amendments.

Mr. Kochikal P. Balakrishnan Tampi : Further, he spoke with restraint though he is to make some sacrifices under this Regulation. And I may say that he impressed upon the House with commendable pertinacity and doggedness that the Bill should be changed in certain particular matters. In this, I want to express the sense of the House, if Mr. Kottur will allow me, along with my own tribute of praise for the very satisfactory and reasonable manner in which he helped the House to get a clear perception of his points of view. At the same time he allowed his remarks to go beyond limit in appealing indirectly to Government as against this House which is against all Parliamentary procedure when this House is itself a revising chamber and when the Bill has come here for the second time. The appeal to any power beyond this House is unconstitutional.

Mr. G. Narayana Aiyar : In opposing the motion, may I be permitted to appeal to the good sense of Government.....

President : I fear no reference should be made to what may or may not take place outside this House. This House as a Legislative Chamber has full charge of and is master of its proceedings and therefore there should be no question of references to what takes place outside.

Mr. G. Narayana Aiyar : Sir, various amendments which have been moved, though not carried, have a due weight bearing on the Act, notwithstanding the fact that there is a large majority for.....

Mr. T. Krishna Pillai : Sir, is he in order in making an appeal to the Head of the Administration ?

President : The Head of the Administration is at this juncture only President of the Assembly. Appeals to the Head of the Administration should be made not here but elsewhere.

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Mr. Kottur Kunjukrishna Pillai: Sir, I raise a point of order this way, whether an appeal for making changes in the Bill after it has passed the second reading and before the third reading is over, is not premature in the first place and in the second place even after the passing of the Bill can any.....

President: After passing the Bill the House ceases to consider it.

Mr. Kottur Kunjukrishna Pillai: The eventualities of making... .....

President: Order, order. I do not think that this discussion is at all relevant. There are certain stages prescribed for each legislative measure, there is the introduction and passage through one House, there is the introduction and passage through the other House and then the emergence of the Bill. Then there are certain procedures which have to be followed whereby assent is given to that Bill. That is not within the House and this House has no cognisance of such circumstances, although it is statutorily provided that that assent is a condition precedent to the Bill becoming an operating Act. Therefore those points purporting to be canvassing within the Chamber are not legitimate in this connection.

Mr. G. Narayana Aiyar: Sir, it is an appeal which I have to make and.....

President: I think that the honourable member is an astute lawyer to realise the meaning of my ruling.

Mr. T. K. Kittan: ബഹുമാനപ്പെട്ട ലീഗൽ റിമെംബറൻസർ അവതരിപ്പിച്ച ഈ ബിൽ പാസ്സാക്കണമെന്ന് ഞാനും അഭിപ്രായപ്പെടുന്നു. എന്നാൽ മുതലാളിമാർക്ക് ഈ ബിൽകൊണ്ട് യാതൊരു ദോഷവും വരരുതെന്നുകൂടി എനിക്ക പ്രാർത്ഥനയുണ്ട്. അവരുടെ മുതലിന് യാതൊരുവിധത്തിലും കുറവു വരരുതെന്നാണ ഞാൻ പറയുന്നത്. പലിശ, വട്ടം മുതലായതു കുറെ നഷ്ടം അവർ, പറയുന്നത് ഉത്തമർണ്ണന്മാർ സഹിക്കണം. കുറച്ചെങ്കിലും കിട്ടുന്നതുകൊണ്ട് അവർ സന്തോഷിക്കണം. വീണ്ടും ഞാൻ അവരുടെ മുതലിനു യാതൊരു കുറവും വരരുതെന്നു പറയുന്നു. ഈ ബിൽ ഫ്രാൻസ്-ലെ, ഒന്നാംറഗ്ലേഷനായിവരുമെന്നാണ് നാട്ടിലുള്ള അളുകൾ എല്ലാവരും വിശ്വസിക്കുന്നത്. അങ്ങിനെതന്നെ വരുമെന്നു ഞങ്ങളും വിശ്വസിക്കുന്നു. ഈ ബിൽ നടപ്പിൽ വരുമ്പോൾ എന്തെങ്കിലും ന്യൂനതകൾ ഉണ്ടെന്നുകണ്ടാൽ അപ്പോൾ തീർക്കാവുന്നതാണല്ലോ. ഉത്തമർണ്ണന്മാർക്ക് ഈ ബില്ലിനെപ്പറ്റി ഇത്രയെല്ലാം

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[Mr. T. K. Kittan.]

സംശയമുണ്ടായത് ഈ ബില്ലിന്റെ പേരുകൊണ്ടാണെന്നാണ് എനിക്ക് തോന്നുന്നത്. "ഡെറ്റ് റിലീഫ ബിൽ" "കടക്കാരെ സഹായിക്കാനുള്ള ബിൽ" ഈ പേരു കേൾക്കുന്നതുകൊണ്ട് രാജ്യത്തെ ക്രെഡിറ്റ് മുഴുവനും നശിച്ചു എന്നുള്ള ഒരു വിചാരം ഉണ്ടാകുന്നു. ബില്ലിന്റെ നാമത്തിലുള്ള വാച്യാർത്ഥത്തിൽ അപ്രകാരം ഒരു ഭീതി ഉണ്ടാകണമെങ്കിലും ബിൽ വാസ്തവത്തിൽ ഉത്തമർണ്ണന്മാരെസഹായിക്കുകയാണ് ചെയ്തിട്ടുള്ളത്. അവക്ക് കൊടുപ്പാനുള്ള പണം കടക്കാരെല്ലാം പാപ്പരു ഹർജിയുംകൊടുത്തു നടക്കുകയാണെങ്കിൽ എങ്ങനെ ഇടാക്കുമെന്ന് ഞാൻ ചോദിക്കുന്നു. അങ്ങനെ വരരുതെന്നുകരുതി മുതലാളിമാക്ക് പണം ഉണ്ടാക്കികൊടുപ്പാനുള്ള ഒരു ഏർപ്പാടാണ് ബഹുമാനപ്പെട്ട ഗവണ്മെൻറ് ചെയ്തിരിക്കുന്നത്. അതുകൊണ്ട് വേണമെങ്കിൽ ഈ ബില്ലിനു "ക്രെഡിറ്റ് സേഫ ഗാർഡിങ്ങ് ബിൽ" എന്നു പേരിടുന്നതിനും വിരോധമില്ല. വൈഷമ്യമില്ലെങ്കിൽ പേരുമാറ്റത്തെപ്പറ്റിയും ആലോചിക്കാവുന്നതാണ്.

President: The Title of the Bill has been approved and as such there is no point in discussing that.

Mr. T. K. Kittan: ഒരു തരത്തിലും ഇവരുടെ മുതലിനു യാതൊരു കുറവും വരരുതെന്നു ഞാൻ വീണ്ടും വീണ്ടും പറഞ്ഞു കൊള്ളുന്നു.

Mr. M. K. Ananthasiva Aiyar: I shall try as far as possible not to deviate from the general rules.

The unequal battle which raged on the floor of the House is coming to an end. But it is the duty of those who are in a position to place the views of the credit interests in the State before the House on a measure like this which affects the life of the State not only on financial matters but on other matters as well to do so. It cannot but be denied that those who represent credit interests are only in a minority. It must be admitted by every fair-minded person that the Bill, as it emerged out of the delibrations of the Select Committee and the other House, had completely changed and that in a drastic manner.

Mr. Kochikal P. Balakrishnan Tampi: I believe no change was made in the Bill in this House.

Mr. M. K. Ananthasiva Aiyar: I mean that changes were made in the original Bill by the other House.

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The provisions which have been incorporated in the Bill are going to affect rural credit and the administration of justice. They are going to touch the lives and every day occupations of the people at large. The result of passing this Bill will be to interfere to a very great extent with the money-lending system in the country and I ask the honourable members to remember that, whatever may be said against the money-lender, the fact remains that he is one of the most useful members of society in the State, How is agriculture, trade or industry to be carried on if money is not available to the person engaged in the business? These cannot be carried on without borrowed capital. One effect of the Bill, if passed, will be that people who generally lend money on interest would, in future, refuse to lend money to people at the time of their need. It cannot be contemplated that people will cease to have their needs in future. The needs of the people cannot be changed by the passing of this Bill.

Mr. A. Easwara Pillai: May I ask what will be the use of the accumulated amount of the creditor?

Mr. M. K. Ananthasiva Aiyar: They will choose to bury it underground.

Hence not only will there be a destruction of private money-lending but you will find that people engaged in occupation, dependent on borrowings, will find themselves in a position of inability to carry on their professions in a peaceful manner. Thus, we will see that there will be no money to invest in industry, no money to invest in factories and no money to carry on commerce and other professions of a similar nature. The law of supply and demand cannot possibly be defied. I warn the House that money will flow away from the State. The result will be great misery and ruin which are not perhaps contemplated by the honourable members who are supporting this drastic measure.

In the matter of decrees the Bill is very drastic. It would be sheer mockery and shame to accept the provisions of the Bill which utterly destroy the hope and debars the possibility to the lender, of the realisation of these amounts, which after full investigation and protracted trials have been decreed by courts. Why pursue this policy, why say to the world that power vested in the House is going to be abused in this manner? Hence I also join with Mr. Krishna Aiyar in opposing this motion.

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Mr. Kottur Kunjukrishna Pillai: Sir, I wish to say only a few words and that is necessitated by the speech of my honourable friend Mr. Balakrishnan Tampi more than the speakers who made speeches in opposition to the motion before the House. Sir, a tribute was paid to the patience and to the ability and the intrepidity with which the amendments were moved. I appreciate the tenacity with which Mr. Krishna Aiyar fought his case and brought for the attention of this House all possible points that may be brought in a difficult case which he had to make out. And this House, Sir, was very patient and sympathetic with the minority which represented credit interests but which though a minority is an influential and intelligent minority. All the same, the House, in fairness to the duty cast upon it, cannot but look to the larger interests of the country, and so cannot accept any of those amendments. It was not because they wanted to rush through the Bill or do anything of that kind that the amendments were not accepted. These questions raised in the amendments were discussed and considered at various stages through Committees and at various stages of discussion in this House and elsewhere. This problem was for a very long time in the public eye and the public were considering these questions and they had come to fairly definite decisions .That is the reason why no amendments were accepted. It was after a full, patient and impartial consideration of both sides of the question that the House by a majority came to conclusions which were not partial but which enured according to its lights to the benefit of the largest number in the State.

Sir, I must also in this connection pay a humble meed of tribute to the Legal Remembrancer who was piloting this original and difficult piece of legislation with infinite patience, great erudition and rare shrewdness. He has vigilently kept the equilibrium between the different interests and has achieved the passing of this measure with consummate skill.

(*Mr. Kochikal P. Balakrishnan Tampi: Hear, hear.*)

With these words, Sir, I have great pleasure in according my support to the motion before the House for passing this Bill.

Mr. E. K. Kuriype: (*Parur Kunnatnad and Muvattupuzha cum Devicolam*) സർ, ഈ ബില്ല ഉത്തമർണ്ണനും അധമർണ്ണനും തമ്മിൽ ഉണ്ടായിരിക്കുന്ന ഉടമ്പടി ബന്ധത്തിൽ കൈകടത്തുന്നു എന്നു് പ്രഥമവീക്ഷണത്തിൽ തോന്നാവുന്നതാണു്. കക്ഷികൾ തമ്മിലുള്ള പാവനമായ ഒരു ബന്ധത്തിൽ കൈകടത്തുന്നതിനു് രാഷ്ട്രത്തിനധികാരമുണ്ടോ? നിയമാനുസൃതമായ ഏതെങ്കിലും ഉടമ്പടി ചെയ്യുന്നതു

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[Mr. E. K. Kuriype.]

നൊ, നേരത്തെ ഉണ്ടാക്കിയിട്ടുള്ള ഏതെങ്കിലും ഉടമ്പടിയിലെ വ്യവസ്ഥകൾ പ്രയോഗത്തിൽ വരുത്തുന്നതിനൊ, പ്രജകൾക്കുള്ള സ്വാതന്ത്ര്യത്തിൽ സാധാരണ സാഹചര്യങ്ങളിൽ ഒരു നയമെന്ന നിലയിലൊ ഒരു തത്വം അംഗീകരിച്ചൊ രാഷ്ട്രം ഇടപെട്ടുകൂടാ എന്നാണ് ഈ ചോദ്യത്തിനു എനിക്കു പറയുവാനുള്ള സമാധാനം.

എന്നാൽ നാം ഇന്നു അസാധാരണ സാഹചര്യങ്ങളെയാണ് തരണം ചെയ്യേണ്ടിയിരിക്കുന്നതു്. ഇപ്രകാരമുള്ള അസാധാരണ സാഹചര്യങ്ങളിൽ അസാധാരണ പ്രതിവിധികൾ തന്നെ സ്വീകരിക്കേണ്ടിവരും. ഉദാഹരണമായി സാധാരണ ചുറ്റുപാടുകളിൽ ഒരു ഡാക്കിനു എന്തെങ്കിലും ഒരു മുറിവു ഒരു മനുഷ്യന്റെ ശരീരത്തിലുണ്ടാക്കുവാൻ പാടില്ല. എങ്കിലും അയാളുടെ ജീവൻ അപകടത്തിലാണെന്നു കാണുകയും ഒരു ശസ്ത്രക്രിയ ആവശ്യമാണെന്നുവരികയും ചെയ്യുമ്പോൾ ഡാക്കിനു ആ മനുഷ്യന്റെ ശരീരത്തിൽ ശസ്ത്രപ്രയോഗം നടത്താവുന്നതാണ്. അതു പോലെ തന്നെ സാമ്പത്തികാധഃപതനം ഇല്ലാത്തപ്പോൾ ലോകത്തിലെല്ലാം മനോഹരങ്ങളായി നിലകൊള്ളുമ്പോൾ, യാതൊരു രാഷ്ട്രവും ഇപ്രകാരമുള്ള നിയമനിർമ്മാണംകൊണ്ടു പരസ്വാതന്ത്ര്യത്തിൽ കൈകടത്തരുതു്. എന്നാൽ തദ്വിതാംക്രിന്റെ എന്നല്ലാ ലോകം മുഴുവന്റേതന്നെയും ചരിത്രത്തിൽ, മുൻപെങ്ങും അനുഭവപ്പെട്ടിട്ടില്ലാത്തതരത്തിലുള്ള സാമ്പത്തികാധഃപതനം വ്യാപിച്ചു അതിൽക്കൂടി നാം കടന്നു പൊയ്ക്കൊണ്ടിരിക്കുന്ന ഇപ്പോഴത്തെപ്പോലെയുള്ള ഒരു കാലസന്ധിയിൽ, കാർഷിക വിഭവങ്ങളുടെ വില അൻപതു ശതമാനത്തിലധികം കുറഞ്ഞിരിക്കുമ്പോൾ ഇതുപോലെയുള്ള ദുരിത നിവാരണ നടപടികൾ ഗവണ്മെന്റു കൈക്കൊള്ളേണ്ടതു അത്യന്താപേക്ഷിതമല്ലേ? അതുകൊണ്ടു ഈ ബിൽ ഉടൻ നടപ്പിലാക്കേണ്ടതാണ്.

Mr. C. N. Thuppan Nambootiri : സർ, രണ്ടാംവായനകഴിഞ്ഞു മൂന്നാംവായനക്കെടുത്തിട്ടുള്ള ഈ ബിൽ, ലൗകീകമായ നിലയിൽ അധികം പ്രയോജനപ്പെടുന്നില്ലെങ്കിലും സ്വർഗ്ഗീയപ്രാപ്തിക്ക് ഇതു് വളരെ നല്ലതാണ് എന്നുവിചാരിച്ചു് ഞാനും അനുകൂലിക്കുന്നു. എന്തെന്നാൽ ഹിന്ദുമതവിശ്വാസമനുസരിച്ചു കടംവീട്ടാതെ ഒരുവൻ മരിക്കുന്നതായാൽ അവന്റെ ആത്മാവിനു ശാന്തി ലഭിക്കുന്നതല്ലെന്നു വിശ്വസിക്കപ്പെടുന്നു. ഇപ്പോൾ പാസ്സായ ഈ ബില്ലുകൊണ്ടു് വസ്തുവിൽ പ്രാജില്ലാത്ത അനേകം കടക്കാരുടെ കടങ്ങൾ ഒന്നോടെ തീരുന്നതിനാൽ തൻ

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[Mr. C. N. Thuppan Nambootiri]

മൂലം അവക്ക് നരകത്തിൽനിന്നും മോചനം ലഭിച്ച സ്വർഗ്ഗപ്രാപ്തിക്കു ഇടവരുന്നതിനും സാധിക്കുമെന്നുള്ള സന്തോഷം ഒന്നുകൊണ്ടുമാത്രമാണ് ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നത്.

Mr. Thomas Chandy Mukkadan : സർ, തിരുവിതാംകൂറിലെ ആകമാനമുള്ള ജനങ്ങളും ഈ ബില്ലിനെ നോക്കിക്കൊണ്ടിരിക്കുകയാണെന്നുള്ളതു ഇവിടെയിരിക്കുന്ന ഉത്തമണ്ണതാൽപര്യക്കാർക്കുപോലും അറിവുള്ള ഒരു കാര്യമാണ്. മി. കൃഷ്ണയ്യർ കൊണ്ടുവന്ന ഭേദഗതികൾപോലെയുള്ള പല ഭേദഗതികളും എതിർഭാഗത്തുനിന്നും കൊണ്ടുവരാമായിരുന്നു. കടക്കാരും പൂർണ്ണ തൃപ്തിയോടുകൂടിയല്ലാ ഈ ബില്ലിനെ വീക്ഷിക്കുന്നതു. എങ്കിലും കഴിവുള്ളിടത്തോളം ഉത്തമണ്ണന്മാരെക്കൂടി തൃപ്തിപ്പെടുത്തിക്കൊണ്ടുപോകണമെന്നുള്ള അവരുടെ ആഗ്രഹംകൊണ്ടാണ് ഭേദഗതികളൊന്നും ഗവർമെന്റാക്കാതിരുന്നിട്ടുള്ളതു്. ന്യൂനപക്ഷമാണെന്നിരുന്നിട്ടും തുല്യശക്തിയോടുകൂടി അവരുടെ ഭാഗത്തുനിന്നും വാദിക്കപ്പെട്ടു. രാജ്യത്തിൽ ക്രെഡിറ്റിന്റെ ശക്തി സ്ഥാപിക്കണമെങ്കിൽ എന്തെങ്കിലും ചില ത്യാഗവശങ്ങൾ ഉത്തമണ്ണന്മാർക്കും ഉണ്ടായിരിക്കണമെന്ന മനസ്സിലാക്കിക്കൊണ്ടു് ആണ്ട് ഭൂരിപക്ഷം മെംബറന്മാരും യാതൊന്നും പറയാതിരുന്നതു്. ഈ വസ്തുത ഉത്തമണ്ണന്മാർക്കുതന്നെ അറിയാം. അതുകൊണ്ടു ന്യൂനപക്ഷക്കാരുടെ താൽപര്യങ്ങളെ അവഗണിച്ചു എന്നോ അവരെ സഹതാപത്തോടുകൂടി വീക്ഷിച്ചില്ലെന്നോ ആരെങ്കിലും പറയുന്നുണ്ടെങ്കിൽ ഞാൻ അതിനെ എതിർക്കുന്നു. അവരെപ്പറ്റി വളരെ സഹതാപം തോന്നിയിട്ടുതന്നെയാണ് ഒരു കാംപ്രൈമൈസിംഗ് സ്പിരിറ്റിൽ ഈ ബിൽ ഇങ്ങനെയെങ്കിലും അവസാനിപ്പിക്കാൻ സാധിച്ചതെന്ന പരമാർത്ഥം ഞാൻ ഇവിടെ പ്രസ്താവിക്കയും രാജ്യന്റെ ഉത്തമതാല്പര്യത്തിനുവേണ്ടി എന്റെ ബഹുമാന്യസ്നേഹിതന്മാരായ മി. കൃഷ്ണയ്യർ, മി. അനന്തശിവയ്യർ തുടങ്ങിയവർ ഏറ്റവും സൗഹാർദ്ദ മനഃസ്ഥിതിയോടുകൂടി യാതൊരു എതിരും പ്രകടിപ്പിക്കാതെ ഈ ബിൽ പാസാക്കണമെന്നപേക്ഷിക്കുകയും ചെയ്തുകൊള്ളുന്നു.

Mr. K. M. Kesavan : Belonging as I do neither to the creditors' party nor to the debtors' party, because I am neither a creditor nor a debtor, I think I can take a dispassionate view on the measure which is about to be passed. I was looking with complacency at the different stages of the progress of this Bill. I think this measure, so far as it goes, under the present circumstances, is calculated to bring as much relief to the creditor as to

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the debtor. Therefore, this measure may be speedily passed into law so as to render service to the country forthwith.

Mr. Kochikal P. Balakrishnan Tampi: Sir, may I remind that the striking of the clock ushers in a new era of progress in the country.

The question that the Bill be passed was put to vote and carried.

President: The House will now adjourn and meet again to-morrow at 11 A. M.

The Council adjourned at 5-1 P. M.

A GUNAMONY,
Secretary to the Sri Chitra State Council.

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